The City Council of the City of Raleigh met in regular session on Tuesday, April 2, 1985 at 1:00 p.m. in the City Council Chamber, Room 201 of Raleigh Municipal Building 222 with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend JoAnne Ver Burg of Hillyer Memorial Christian Church after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***PROCLAMATION - HEALTH VOTE MONTH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming April 1985 as Health Vote Month in the City of Raleigh. The proclamation was received by James D. Bernstein, President of the North Carolina Foundation for Alternative Health Programs, Inc.

***COMMENDATION - ENLOE HIGH SCHOOL FAMINE RELIEF PROJECT - RECOGNIZED

David Cordts and ten students from Enloe High School Famine Relief Project were at the meeting and received a commendation from Mayor Upchurch for their work in this project. Chris Newton, Co-Chairperson, explained the project, pointing out they had spent the last several weeks working through the American International Red Cross Famine Relief Project trying to raise money especially for people in Africa. Mr. Newton issued a formal challenge to the City of Raleigh, Wake County and each and every other school in the County to match their contribution of $1,000. He stated we are involved as millions are starving and he feels that everyone should help.

***PROCLAMATION - CANCER CONTROL MONTH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming April 1985 as Cancer Control Month in the City of Raleigh. The proclamation was accepted by Joan Baron and Geoff Simmons, Raleigh Residential Co-Chairmen of the Wake County Cancer Crusade. Ms. Baron introduced various people who will be heading up the residential crusade, explaining it was divided up along City Council electoral districts.

***PROCLAMATION - BUILDING SAFETY WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming Building Safety Week in the City of Raleigh. Inspections Director Ed Owens received the proclamation on behalf of the City's Inspections Department and the construction industry at large.

***PERSONNEL - INTRODUCED

City Manager Benton introduced Jack Duncan and his wife Susan, explaining Mr. Duncan has been chosen to join the City family as the Parks and Recreation Director. He indicated Mr. Duncan will be coming on board later in the month and everyone is looking forward to working with Mr. Duncan.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda would be a roll call vote. Ms. Cates requested that the lease agreement - Lenoir Street warehouse be withdrawn. Mr. Calloway requested that the item relating to Jobs Bill Funds be withdrawn. Ms. Block requested that the item relating to the Crabtree sanitary sewer project be withdrawn. Without objection, these items were withdrawn. Mr. Congleton moved Administration's recommendations on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***RALEIGH DURHAM AIRPORT AUTHORITY - GRANT - APPROVED

The Airport Authority has received a grant in the amount of $348,750 to be used for construction of the new Crash Fire Rescue Station. As one of the owners, the City of Raleigh needs to act to concur with the acceptance of the grant.

Recommendation: That the Council adopt a resolution accepting the grant and authorizing a grant agreement for this project. Consent Agenda approval Congleton/Babb - 8 ayes.

***RSVP PROGRAM - LEASE AGREEMENT - APPROVED

The Retired Senior Volunteer Program (RSVP) utilizes space at 616 Tucker Street which is owned by the Housing Authority. The use of the space is under a rental agreement which provides for a payment of $1,430.

Recommendation: That the Council approve a rental agreement for the period from February 1, 1985, to December 31, 1985, with the Raleigh Housing Authority. Consent Agenda approval Congleton/Babb - 8 ayes.

***TARHEEL REGATTA - AGREEMENT WITH OPTIMIST CLUB OF RALEIGH - APPROVED

The annual Tar Heel Regatta sponsored by the Optimist Club of Raleigh is scheduled for June 21-23, 1985, at Lake Wheeler. It is necessary that an agreement be executed to provide for the use of Lake Wheeler. A copy of the proposed agreement was in the Agenda packet.

Recommendation: That the agreement with the Optimist Club of Raleigh be approved to provide for use of Lake Wheeler for the Tar Heel Regatta. Consent Agenda approval Congleton/Babb - 8 ayes.

***STREET CLOSING - THE POINTE - RESOLUTION OF INTENT ADOPTED

The City has been petitioned to close the southern 140± feet of the street known as The Pointe. The street is located in the Winchester Pointe Development at Greystone which is on the south side of Sawmill Road. Included in the Agenda packet was a map showing the location of the street portion requested for closing. Also enclosed was a copy of the petition.

Recommendation: Following staff review of the closing, no adverse comments have been received. Therefore it is recommended that the City Council adopt a resolution of intent to close the subject right-of-way and set a date for a public hearing on this matter to be May 7, 1985. Consent Agenda approval Congleton/Babb - 8 ayes.

RESOLUTION NO. (1985) 750

A RESOLUTION OF INTENT TO CONSIDER CLOSING THE POINTE RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

> All of Tracts 1, 2 and 3 as shown on Plat entitled "Winchester Pointe at Greystone A Part of Greystone Village" dated 8/8/83 and revised 11/16/84 containing a total of 0.3434 acres. The portion to be closed is the southern 140± feet of the street.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, May 7, 1985, in the Council Chamber, Room 315, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 4/2/85

***WS-1985-1 - 16-INCH WATER MAIN ON DURALEIGH ROAD - BID AWARDED TO J. F. WILKERSON CONSTRUCTION COMPANY - FUNDS APPROPRIATED

On March 25, 1985, bids were received for installation of a 16-inch ductile iron water main in Duraleigh Road from Ebenezer Church Road north approximately 4,100 feet to Richland Subdivision. Bids were received as follows:

J. F. Wilkerson	$159,378.10
R.G.K., Inc.	165,100.80
J. L. Turner Co.	165,319.10
W. M. Paris & Assoc.	168,638.80
Dellinger, Inc.	168,729.50
Hawley Const. Co.	174,842.00
Tri-State Consultants	179,320.00

Richland's, Inc., has estimated this project cost at approximately $160,000. This is the project involving reimbursement by the developer.

Recommendation: It is recommended that this contract be awarded to the low bidder, J. F. Wilkerson Construction Company, in the amount of $159,378.10, contingent upon the City receiving payment from Richland's, Inc., in this amount prior to the award of the bids.

It is further recommended that the following budget amendment be approved:

Increase Revenue Account:		
80-1-2002-0101	Richland Prop.	$159,378.10

Increase Expenditure Account:		
80-2-2002-0101	PU 1985-7 Richland's	$159,378.10

Consent Agenda approval Congleton/Babb - 8 ayes. See Ordinance 525TF19.

***SANITARY SEWER EXTENSION PROJECT - LYNN ROAD - ACQUISITION OF EASEMENT AUTHORIZED

A request has been received to extend sanitary sewer service to serve a tract of land within the City. The existing sanitary sewer line is 400 feet from the tract. The developer of the tract is agreeable to install the line provided the City obtains the easement. It would normally be the City's obligation to acquire the easement and install the line to serve property within the City. This property is on the south side of Lynn Road near the Six Forks Road intersection.

Recommendation: That the Council authorize the acquisition of the necessary easement to allow the extension of the sanitary sewer line to serve the property involved with the request for service. Consent Agenda approval Congleton/Babb - 8 ayes.

***ROAD RACES - VARIOUS AREAS - APPROVED

a. Mr. Pete Spinden, representing Raleigh Community Hospital, is requesting permission from the City Council to conduct an annual road race utilizing City streets in the rear of the hospital. The race is planned for 7:30 p.m. on Monday, June 10, 1985, and would only use portions of Executive Drive, Navaho Drive, and Bush Street. Mr. Spinden has agreed to provide all signs or barricades needed and to employ three off-duty police officers for security and traffic control.

   Recommendation: That this road race be approved.

b. Mr. Jim Young, representing the North Carolina Road Runners Club, is requesting permission from the City Council to conduct the Sunset 5 Kilometer Race on Saturday, June 1, 1985, commencing at 6:30 p.m. The planned route is the same as the past two years. The race will start at Brentwood Elementary School and will use Ingram Drive, Huntleigh Drive, Green Road, and will turn around at Millbrook Road.

   Recommendation: That approval be given subject to the sponsors providing necessary signs and barricades and providing they also employ three off-duty police officers for traffic control.

c. Mr. Randy Bechtolt requests permission to conduct a 5K road race which is partially on City streets on Wednesday, April 3, 1985, at 10:30 a.m. The only City streets used will be Gorman Street from Sullivan Drive to Faucette Drive, and Faucette Drive from Gorman Street to Dan Allen Drive. The rest of the race will be on NCSU campus and will not involve City streets. This race will only involve about 24 runners and no traffic problems will be presented. The Police Department will furnish three officers to assist with traffic for the 15-minute duration of the race. The Police Department has no problems with the race being run as planned.

   Recommendation: That this road race on City streets be approved.

Consent Agenda approval Congleton/Babb - 8 ayes.

***TAXICAB OWNER'S PERMITS - APPROVED ON SECOND AND FINAL READING

During the March 19, 1985 Council Meeting, the following applications for taxicab owner's permits were approved on the first reading.

Marvenia Marion Page, American Cab Company
(New Individual Owner's Permit)

William Henry Jones, Rainbow Cab Company
(New Individual Owner's Permit)

Recommendation: That the applications for taxicab owner's permits be approved on second and final reading. Consent Agenda approval Congleton/Babb - 8 ayes.

***TAXICAB OWNER'S PERMITS - APPROVED ON FIRST READING - TO BE PLACED ON APRIL 16, 1985 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet requirements of Code Section 12-2053 of the City Code:

Peny Kiasengo Di Malanda, Safeway Cab Company
(New Individual Owner's Permit)

Levi Sanders, Jr., Ebony Cab Company
(New Individual Owner's Permit)

Recommendation: Approval is recommended with the understanding that these applications will be placed on the April 16, 1985 Agenda for second and final consideration. Consent Agenda approval - Congleton/Babb 8 ayes.

***BUDGET AMENDMENT - FIRE DEPARTMENT - AUTHORIZED

The Agenda presented a budget amendment in the amount of $3,750 which is needed to place money received for payment of rescue services to the 1984 NC State Fair in services provided in assisting Wake County EMS under the Fire Department's First Responder Program. The budget amendment would authorize acceptance of this money and put it into the proper expenditure account.

Recommendation: That the budget amendment, as outlined, be approved. Consent Agenda approval Congleton/Babb - 8 ayes.

ORDINANCE NO. (1985) 524

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget be amended as follows to place money received for payment of rescue services to the 1984 N. C. State Fair and services provided in assisting Wake County EMS under the fire department first responder program into expenditure accounts:

Revenue:	01-1-0070-0200	Misc. Income	$ 3,750.00
Expense:	01-2-4130-0257	Other Supplies	$ 1,000.00
	01-2-4130-0600	Equipment	2,000.00
	01-2-4110-0231	Travel	750.00

Section 2. That the 84/85 Budget be amended as follows to provide sufficient funds for moving the White-Holman House:

Revenue:	43-1-3000-0303	Sale-Urban Redev. Land	$ 35,000.00
Expense:	43-2-3020-0103	House Moving-NBP	$ 35,000.00

Section 3. That the 84/85 Budget be amended as follows to reflect funding from Richland Properties, Inc. and appropriate expenditure account for PU 1985-7 in Duraleigh Road to the Richlands by Private Reimbursement contract:

Revenue:	80-1-2002-0101	Richland Properties PRC1	$159,378.10
Expense:	80-2-2002-0101	PU 1985-7 Richlands PRC1	$159,378.10

Adopted: 4/2/85

***STORM DRAINAGE INSTALLATION - 6807 and 6813 HOLLY DRIVE - APPROVED

Under City policy, we have received the following request for assistance to install storm drainage on private property:

Address: 6807 and 6813 Holly Drive

Number of feet and size of pipe: 56-feet of 18-inch RCP (re-enforced concrete pipe) pipe; 48-feet of 36-inch RCP pipe; and 96-feet of 42-inch RCP pipe.

City Cost Estimate: Labor - $2,096.30; Equipment - $1,127.00; Total Cost - $3,223.30.

Recommendation: That approval be given. Consent Agenda approval Congleton/Babb - 8 ayes.

***CIVIC CENTER - CHANGE ORDER CO 771 - G-7 - APPROVED - FUNDS APPROPRIATED

Change order CO 771 - G-7 - Security Building Company, Inc. was presented. This change order is an addition of $1,191 and relates to the Civic Center toilets and storage addition. The Agenda outlined the reason for the change order and the budget accounts that would need to be amended.

Recommendation: That change order and transfer as outlined on the Agenda be approved. Consent Agenda approval Congleton/Babb - 8 ayes.

ORDINANCE NO. (1985) 525 TF 19

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 5,000.00
To 01-2-1100-0265	Other Services	5,000.00
Purpose: To provide funds to be used by administration for hiring of financial institutions as needed to analyze City's involvement in Cranston's new financial proposal.		
From 01-2-1040-0001	Contingency	$ 800.00
To 01-2-4010-0278	Attorney Expenses	800.00
Purpose: To pay expert witness fee in Workman's Compensation case.		
From 43-2-6200-0101	ED-DHIC	$ 5,682.83
To 43-2-6200-0300	Redev. Landscaping	5,682.83
Purpose: Providing funds for purchasing trees to be planted in right-of-way in the Phase II CD Redevelopment Area.		
From 40-2-1510-0100	Civic Center Modifications	$ 1,191.00
To 40-2-1510-0101	Civic Center Additions	1,191.00
Purpose: Change Order - Civic Center Toilers and Storage Addition - Security Building Company, Inc.		
From 43-2-3130-0100	RHA Salaries	$ 1,000.00
To 43-2-3140-0229	Legal Advertising	1,000.00
Purpose: Preventing overrun in RHA's budget.		
From 01-2-3050-0228	Telephone Service	$ 2,000.00
To 01-2-3050-0236	Computer Hardware	2,000.00
Purpose: To provide funds to install coax cable from the computer room to 25 computer terminal locations.		
From 01-2-1220-0700	New Office Equipment	$14,762.00
To 01-2-1220-0226	Rep. to Offc. Equipment	2,200.00
To 01-2-1220-0603	Replacement Offc. Equipment	12,562.00
Purpose: To correctly allocate funds for purchase of a Bruning blue print machine to replace existing unit and one-year maintenance agreement.		
From 01-2-4020-0620	Automobile	$ 3,476.82
To 01-2-4020-0243	Uniforms & Equipment	3,476.82
Purpose: To purchase additional clothing and equipment for additional personnel.		
From 34-2-3807-0100	Telephones	$ 6,590.00
To 34-2-3805-0111	Sidewalks, Mun. Bldg.	6,590.00
Purpose: Augmenting previously established account to extend brick sidewalk.		
From 01-2-5030-0234	Vehicle Parts Rebuild	$28,000.00
To 01-2-5080-0230	Reconditioning Vehicle M&O	28,000.00
Purpose: To place money in equipment Service Depot Account in order that expenditures can be made for equipment renovation of Sanitation Garbage Trucks.		
From 01-2-1240-0603	Automobiles	$ 4,783.24
From 01-2-1240-0707	Automobiles	714.23
To 01-2-1240-0240	Microfilming	4,375.00
To 01-2-1240-0260	Office & Other Supplies	1,122.47
Purpose: To complete microfilming of building construction plans and to purchase office supplies for Department through 6/30/85.		

From 01-2-1170-0602	Recording System	$ 3,500.00
To 01-2-1170-0265	Consultant Study	3,500.00

Purpose: To provide funds for acceptance of low bid for a radio network frequency feasibility study to meet the future needs of the organizations served through Emergency Communications Center.

From 06-2-7100-0001	Council Reserve	$213,834.68
To 06-2-7030-0267	Corps-Falls Resvr.	213,834.68

Purpose: Provide funds for 1984 Falls of Neuse Water Supply Contract payment to U.S. Army Corps of Engineers.

From 06-2-7100-0001	Council Reserve	$84,600.42
To 06-2-7100-0210	Broughton Farms Reimb.	84,600.42

Purpose: To provide funds for Broughton Farms sewer main reimbursement.

From 06-2-7100-0001	Council Reserve	$40,000.00
To 81-2-2110-0102	Crabtree Creek Eng.	40,000.00

Purpose: To fund the Finn Boney Contract changes that were approved by Council.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS UPHELD

Council Members received in their Agenda packet a list of Administrative transfers which have been authorized according to Council procedure. The transfers were as follows:

FROM	TO	AMOUNT
02-2-2020-0260		
02-2-2020-0700	02-2-2020-0231	$309.67
01-2-1040-0001	01-2-1100-0231	900.00
01-2-1210-0265	01-2-1210-0298	50.00
01-2-3030-0602	01-2-3030-0701	400.00
43-2-4050-0100	43-2-4051-0100	709.92
01-2-1240-0243		
01-2-1240-0602		
01-2-1240-0604		
01-2-1240-0702	01-2-1240-0236	107.74
01-2-1040-0001	01-2-1100-0260	300.00
01-2-6000-0226	01-2-6000-0237	180.00
01-2-1120-0260	01-2-1120-0240	150.00
01-2-1040-0001	01-2-1110-0260	900.00
37-2-1000-0100	37-2-2430-0202	700.00
01-2-1040-0001	01-2-1020-0265	450.00
01-2-1110-0236	01-2-1110-0704	705.00
01-2-3030-0602	01-2-3030-0712	556.00
19-2-8020-0534	19-2-8020-0269	400.00

Recommendation: That the City Council concur with the Manager's action on the Administrative transfers. Consent Agenda approval Congleton/Babb - 8 ayes.

***TRANSFERS - WITHIN VARIOUS DEPARTMENTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the departments of Community Development, Finance, Planning, Police, Public Works and Inspections. The reasons for the transfers and the code accounts affected were outlined in the Agenda.

Recommendation: That the transfers as outlined be authorized. Consent Agenda approval Congleton/Babb - 8 ayes. See Ordinance 525 TF 19.

***BID REQUEST 84-54 - BLUE PRINT MACHINE - BID AWARDED TO AM BRUNING

Pursuant to advertisement as required by law bids were received, on a second request, in the office of the Purchasing Agent on March 25, 1985 for a blue print machine. Only one bid was received - AM Bruning - $12,561.50:

Recommendation: Administration recommends the bid submitted by AM Bruning be approved. Consent Agenda approval Congleton/Babb - 8 ayes.

***BID REQUEST 84-59 - WORK UNIFORMS - BID AWARDED TO DIXIE UNIFORM RENTAL

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 25, 1985 for an annual price agreement through April 1, 1986 for work uniforms with results as follows: Dixie Uniform Rental - $31,107; American Uniform Sales - $33,375; Roy's Rental Uniform - $37,566.

Recommendation: That the low bid submitted by Dixie Uniform Rental be awarded. Consent Agenda approval Congleton/Babb - 8 ayes.

***BID REQUEST 84-60 - DUCTILE IRON PIPE - BID AWARDED TO AMERICAN CAST IRON PIPE COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 25, 1985 for 2,700 feet of ductile

iron pipe with results as follows: American Cast Iron Pipe Company - $32,909.62; Griffin Pipe Products Company - $33,075; Atlantic States Cast Iron Pipe - $33,318; United States Pipe and Foundary - $33,345.

Recommendation: That the low bid submitted by American Cast Iron Pipe Company be awarded. Consent Agenda approval Congleton/Babb - 8 ayes.

***BID REQUEST 84-61 - ENVELOPES - BID AWARDED TO TENSION ENVELOPE CORPORATION

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 25, 1985 for an annual price agreement for envelopes with results as follows: Tension Envelope Corporation - $15,594.40; Atlantic Envelope Company - $15,738.70; Dillard Paper Company - $25,825.55.

Recommendation: That the low bid submitted by Tension Envelope Corporation be awarded. Consent Agenda approval Congleton/Babb - 8 ayes.

***BID - CONSULTANT SELECTION TWO WAY RADIO NETWORK FREQUENCY FEASIBILITY STUDY - BID AWARDED TO FREDRICK G. GRIFFIN - FUNDS APPROPRIATED

The following firms submitted bids for the Two-way Radio Network Frequency Feasibility Study:

Frederick G. Griffin	$ 7,500
Ommicom	10,552
Sachs Freeman Associates	11,267
Raymond Trott	17,000

Recommendation: That the low bid in the amount of $7,500, submitted by Frederick G. Griffin, be accepted. And further, that the following transfer be approved:

Transferred From:
01-2-1170-0602 Recording System $3,500.00

Transferred To:
01-2-1170-0265 Consultant Study $3,500.00

Consent Agenda approval Congleton/Babb - 8 ayes. See Ordinance 525 TF 19.

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the Traffic Code relating to lane channelization, loading zones and time limit parking.

Recommendation: That the traffic changes as outlined be authorized. Consent Agenda approval Congleton/Babb - 8 ayes.

ORDINANCE NO. (1985) 526

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 6B3 entitled "CHANNELIZATION" be amended by deleting the following:

Anderson Drive, southward at Drewry Lane

Section 2. That Traffic Schedule No. 6B7 entitled "CHANNELIZATION" be amended by adding the following:

Lynn Road, north side, from Creedmoor eastward 500 feet Whitaker Mill road at Reaves Drive

Section 3. That Traffic Schedule No. 6B8 entitled "CHANNELIZATION" be amended by adding the following:

Whitaker Mill Road at Pine Drive

Section 4. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Lynn Road, north side, from Creedmoor eastward 500 feet

Section 5. That Traffic Schedule No. 15D entitled "2 HOUR PARKING" be amended by adding the following:

Pineview Street, west side, in its entirety, 8:00 A.M. to 4:00 P.M., Monday through Friday

Williamson Drive, north side, between Pineview Street and Allison Street, 8:00 A.M. to 4:00 P.M., Monday through Friday

Section 6. That Traffic Schedule No. 17 entitled "LOADING ZONES" be amended by adding the following:

Hargett Street, south side, beginning at a point 185 feet west of Dawson Street, westward 75 feet

Amend said Schedule further by deleting the following:

Hargett Street, south side, beginning at a point 185 feet west of Dawson Street, westward 36 feet

Hargett Street, south side, beginning at a point 56 feet east of Harrington Street, eastward 22 feet

Section 7. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. That this ordinance shall become effective April 9, 1985.

Adopted: 4/2/85

Effective: 4/9/85

********** END OF THE CONSENT AGENDA **********

***CIVIC CENTER - LEASE OF LENOIR STREET WAREHOUSE - APPROVED

For several years, the Civic Center has leased a warehouse on Lenoir Street to store show materials. This is needed to supplement the Civic Center storage areas. It is desired to continue the use of the facility.

Recommendation: That the Council approve continuation of the lease for one (1) year at $600 per month.

Ms. Cates indicated she requested this item to be withdrawn from the Consent Agenda as she questioned what we store in the warehouse and if we could not store the material in the Civic Center basement. City Manager Benton indicated it is primarily construction material utilized in the Home and Garden as well as the Outdoor Show. He stated it is used from year to year and because of its bulky nature, it is difficult to store it in the Civic Center. He stated this warehouse is in the adjacent block. Ms. Cates indicated it just seemed like a lot of money, therefore, she wanted to question it. Ms. Cates moved approval of Administration's recommendation. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CRABTREE SANITARY SEWER PROJECT - DESIGN CONTRACT - AMENDED

In 1980, the City retained the engineering firm of Boney and Associates to design a sanitary sewer line to parallel an existing interceptor along Crabtree Creek.

The design work was substantially completed, but the City did not proceed with the project. This project is now programmed for construction.

Because of the time delay, it is necessary to adjust the engineering agreement as follows to provide for final design work:

a. Add a new section which would cover the resurvey, reference, recut, flag, verify profile, and survey other physical changes in the original design outfall for an added cost of $6,500, which is based on 14,400 linear feet at $0.45 per foot.

b. To resurvey, revise or prepare new survey and easement maps for a fee of $0.35 per linear foot. It is estimated that some 3,000 to 4,000 linear feet of original survey will require resurveying and revising which is approximately $1,480. It is further estimated that the addition of some 3,000 linear feet would add approximately $1,110, which is based on the same $0.35 per foot. As stated in the original agreement, Section 7.2 entitled, "Payment for Easement Map," it would need to be revised to reflect $0.35 per linear foot as mentioned in Option A and Option B under that Section would be eliminated.

c. Any redesign effort to completing the scope of the project would be absorbed under the design fee contract.

d. Under Item 7.3, "Payment and Construction and Inspection," the original per day fee is $125 and it is recommended that this be changed to $160 per day. The total shall not exceed $28,800, based on 180 construction days.

e. Under Section 7.4.1, "General Pay for Added Engineering Services," should be amended to be based on actual labor costs times a 2.50 overhead factor.

f. In terms of Section 7.5.2, "The Reimbursement Expense," the mileage factor would be based on 20.5 cents per mile, instead of 15 cents per mile.

Recommendation: That the contract with Boney and Associates be amended as herein provided.

Ms. Block indicated she requested this item be pulled from the Consent Agenda as she was questioning the original fee and what has changed to cause the extra cost. City Manager Benton indicated we would be paralleling the line basically from the Wake Hospital area westward. He stated the original work was done in 1980 and we did not move forward because of a number of reasons. He stated basically what has happened in the interim period is that the land use is changing rapidly and we need to resurvey the easement area, etc. He stated we did not originally acquire all of the easement. He stated primarily these costs will be associated with the update of actual design itself. He stated there will be some additional work to do in terms of actual sizing of the line because of development that has taken place. In response to questioning, Public Utilities Director Simmons indicated the original cost was 25¢ per foot but the average cost now is about 45¢ per foot. City Manager Benton indicated we will not be doing any redesign, just verifying what is there. After brief discussion, Ms. Block moved Administration's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 525 TF 19.

***JOBS BILL FUNDS - STREET PROJECT APPROVED - FUNDS APPROPRIATED

The City has residual unexpended funds from this grant. To expedite the use of these funds, a tree planting effort by the City staff can be undertaken on East Davie Street, South State Street, and Camden Street. The HUD area office has approved this program.

Recommendation: That the Council approve the following transfer of funds for use in purchasing trees:

From:	43-2-6200-0101	ED - DHIC	$5,682.83
To:	43-2-6200-0300	Redev. Landscaping	$5,682.83

Mr. Calloway indicated he had pulled this from the Consent Agenda as he had discussed it briefly with the Manager. He stated he had felt that there were one or two other projects that might be better but had been informed by the Manager that because of the time frame involved, we could not undertake these other projects. He stated he just wanted to express his concern, pointing out while he feels that the tree planting effort is good, there might have been better projects. Mr. Calloway moved Administration's recommendation be upheld. His motion was motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 525 TF 19.

SPECIAL ITEMS

***S-31-85 - KENSINGTON PARK CONDOMINIUM CONVERSION - APPROVED; CONSTRUCTION OF PARKING LOTS AND GUARDRAILS IN FLOODWAY/FLOODPLAINS - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to convert a 336 unit project into residential condominiums on 29.93 acres which are developed and zoned Residential-15. CR-5459 from the Planning Commission recommended that this request be approved according to a map entitled, "Kensington Park Condominium Conversion", the property of Kensington Park Associates, drawn by Larry I. Chasak, dated January 30, 1985.

This item appeared on the March 19 Agenda. During discussion on this item at that meeting, information was presented relative to additional landscaping, construction of burms, and other improvements to alleviate potential flooding problems. The City Council agreed to hold action on the subdivision and get a report from Administration before taking action on the subdivision. City Manager Benton indicated Council Members were provided a memorandum from the Inspections Department addressing the question of how to protect the floodplain area and addressing the question of the burm. He indicated the proposal to install a burm on each side of Bushy Branch to mitigate flooding in their parking lot has been reviewed by the Engineering Department. The proposal could be approved under a floodplain regulation since the project is in the flood fringe area of Bushy Branch. The burm would not prevent flooding of the parking lot during the 100 year storm, due to the fact that water will still back up through their storm sewer system. Cars would be prevented from floating off the site and clogging downstream drainage pipes but a guardrail of sufficient height would also serve this purpose. Ms. Block indicated she has letters from a number of residents in the area that are concerned about the flooding of Bushy Branch. She stated they are leaving it up to the Council as to how to protect them. She stated the owners say they will go in and construct a new 50 car parking lot outside the floodplain area so that the people could move their cars up in case of flooding. She stated with this information, she would move approval of S-31-85 as submitted by the Planning Commission subject to the additional parking spaces being constructed. Her motion was seconded by Ms. Cates. Discussion took place as to whether the subdivision approval could be contingent upon the additional parking spaces. It was pointed out the complex presently meets the parking requirements, therefore, the City Attorney did not feel that we could require additional parking. This was discussed at length with Mayor Upchurch ruling the motion out of order since additional parking could not be required. Ms. Block questioned if the Council could

require the owners to flood proof the area with City Attorney McCormick indicating he did not know how that could be accomplished. Mr. Walters indicated that they have given the City a letter stating that they will add more parking, therefore, he would move that the City Council accept the letter about additional parking and move approval of the Planning Commission's recommendation for approval of the subdivision. His motion was seconded by Ms. Block. Ms. Block pointed out there are probably some changes that will be required to allow the construction of the parking lot in floodway areas and the erection of guardrails in flood fringe areas. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted and without objection, referred the item relating to construction of parking lots and guardrails in floodway/flood fringe areas to the Public Works Committee.

***UNSAFE BUILDING - 5900 CALEDONIA DRIVE - REPEALER ORDINANCE ADOPTED

Ordinance 1985-493 was adopted February 5, 1985, and declared the dwelling at 5900 Caledonia Drive unsafe, effective March 20. During the March 19 Council Meeting, Attorney Linda Teal requested an extension of time. The Council agreed to hold action on demolishing the dwelling until this meeting. It will be appropriate to receive a report from Administration on progress in making repairs at 5900 Caledonia Drive. Housing Inspections Administrator Bartholomew indicated he checked this dwelling earlier today and the repairs were about 95% complete. Therefore, he would recommend that Ordinance 1985-493 be repealed. Ms. Cates moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 527

AN ORDINANCE REPEALING ORDINANCE NO. 1985-493 RELATING TO 5900 CALEDONIA DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That 1985-493 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: 4/2/85

***UNSAFE BUILDING - 107 POLK STREET - REPEALER ORDINANCE ADOPTED

An ordinance was adopted declaring the dwelling at 107 Polk Street unsafe and directing that it be demolish. During the Special Council Meeting held on March 21, Administration was asked to check and determine if the property is properly boarded up and directed that, if this were the case, that demolition of the dwelling should be delayed until after the April 2, 1985 Council Meeting. It would be appropriate to receive a report from Administration on this item. Housing Inspections Administrator indicated the dwelling has been boarded up. Therefore, he would recommend repeal of Ordinance 1985-491. Mr. Walters moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985-528

AN ORDINANCE REPEALING ORDINANCE NO. 1985-491 RELATING TO 107 POLK STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That 1985-491 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: 4/2/85

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. He indicated items marked with one asterisk (*) beside the Certified Recommendation number are located

within flood prone areas and items marked with two asterisks (**) beside the Certified Recommendation number are located in the Falls Basin. Mr. Walters requested that CR-5508 (Z-48-85) be withdrawn. Ms. Block requested that CR-5510 (Z-52-85) be withdrawn. Without objection, these two items were withdrawn. Mr. Calloway moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***SUBDIVISION S-33-85 AND SC-10-85 - VILLAGES AT TOWN RIDGE RETAIL CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to construct a 56,840 square foot retail condominium project consisting of four buildings on two lots, zoned Industrial-I (3.2 total acres). The site is developed as a garden center.

The property is located on the north side of Pleasant Valley Road, just east of US 70, inside the City limits.

CR-5483 from the Planning Commission recommended that this request be approved according to a map entitled, "Village at Town Ridge Retail Condominiums," the property of Zeisler Morgan Properties, Incorporated, drawn by Zeisler Morgan Properties, Incorporated, dated November 26, 1984, with the following conditions: (1) that the cross-access and parking agreements be reviewed and approved by the City Attorney's Office prior to the issuance of building permits; and (2) that a landscaping plan, including a solid wood fence, six feet in height, be approved by the Staff prior to the issuance of building permits. Consent Agenda approval Calloway/ Babb - 8 ayes.

***PA-28-85 - FALLS ROAD OFFICE BUILDING - APPROVED WITH CONDITION

This was a request for approval to construct an 18,000 square foot office building on a 0.95 acre tract which is zoned Office and Institution-I and is undeveloped.

The property is located on the east side of Falls of Neuse Road, north of Bullard Court, inside the City limits.

CR-5488 from the Planning Commission recommended that this request be approved according to a map entitled, "Falls Road Office Building," the property of Swoop Associates, drawn by Jerry Turner and Associates, dated February 1, 1985, with the condition that the cross-access agreements are reviewed and approved by the City Attorney's Office prior to issuance of a building permit. Consent Agenda approval Calloway/Babb - 8 ayes.

***PA-42-85 - WAKE COUNTY HEALTH DEPARTMENT PARKING EXPANSION - APPROVED WITH CONDITION

This was a request for approval to construct a 38-stall parking area on a 2.75 acre site which is developed as part of Wake Medical Center, zoned Office and Institution-I.

The property is located on the southeast corner of Sunnybrook Road and New Bern Avenue, inside the City limits.

CR-5489 from the Planning Commission recommended that this plan be approved according to a map entitled, "Wake County Health Department Parking Expansion," the property of Wake County, drawn by Wake County, undated, with the condition that a detailed landscaping plan be reviewed and approved by Staff prior to issuance of any permits. Consent Agenda approval Calloway/Babb - 8 ayes.

***SC-18-85 - NORTHSIDE SHOPPING CENTER SIGN - APPROVED

This was a request for approval to construct a 31.5 square foot freestanding sign on an existing parcel, which is developed as a shopping center, zoned Shopping Center.

The property is located at the intersection of Whitaker Mill Road and Bernard Street, inside the City limits.

CR-5493 from the Planning Commission recommended that this request be approved according to a map entitled, "Northside Shopping Center Sign," the property of York Properties, Incorporated, drawn by Harrell Sign Company, dated March 7, 1985. Consent Agenda approval Calloway/Babb - 8 ayes.

***SUBDIVISION S-65-85 - BROOKSIDE - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 1.8 acre site into two lots, zoned Industrial-II.

The property is located at the northeast intersection of Brookside Drive and Vale Street, inside the City limits.

CR-5496 from the Planning Commission recommended that this request be approved according to a map entitled, "Brookside," the property of Beryl Road Associates,

drawn by C. Lawrence Vaughan, III, dated February 27, 1985, with the condition that the cross-access easements be reviewed and approved by the City Attorney's Office prior to the issuance of certificates of occupancy. Consent Agenda approval Calloway/Babb - 8 ayes.

***TC-3-85 - GRADING REQUIREMENTS FOR STREETS - APPROVED

This was a request for approval to amend Section 10-3049 of the Raleigh City Code to clarify that full-width right-of-way grading is required on one side even though sidewalks are not required on collector, residential, and marginal access streets.

CR-5497 from the Planning Commission recommended that TC-3-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes.

ORDINANCE NO. (1985) 529 TC 233

AN ORDINANCE TO CLARIFY THE GRADING REQUIREMENTS FOR COLLECTOR, RESIDENTIAL, AND MARGINAL ACCESS STREETS.

WHEREAS, the City Council finds that grading of the full street right-of-way on at least one side is necessary for underground utilities and pedestrian usage; and

WHEREAS, in November, 1977, the City Code was amended to eliminate grading of the full street right-of-way so that grading was required three and one-half feet behind the curb on the "non-sidewalk" side and the full right-of-way behind the curb on the "sidewalk" side; and

WHEREAS, in May, 1980, the City Code was amended to reduce the sidewalk requirements without properly considering how this code amendment would affect the grading requirements established in 1977.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Subsections 10-3049(b)(3) through (7) of the Raleigh City Code are repealed in their entirety, and subsection 10-3049(b)(8), relating to residential service streets is relettered 10-3049(b)(3).

Section 2. Section 10-3049(b) of the Raleigh City Code is hereby amended to add a new subsection, 10-3949(b)(4), which shall read as follows:

"(4) All other streets, the full right-of-way width on one side of the street and a minimum of three and one-half (3 1/2) feet (1.07 meters) back of the curb on the other side."

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 7. This ordinance has been filed with the Wake County Registry as required by law.

Section 8. This ordinance shall become effective immediately.

Adopted: 4/2/85

***TC-4-85 - AMENDMENTS TO THE PLUMBING CODE - APPROVED AS AMENDED

This was a request for approval to amend the Plumbing Code, Article E, Chapter 6, Part 10 of the City Code.

CR-5498 from the Planning Commission recommended that TC-4-85, as corrected, be approved. (Section 5 contained a typographical error.) Consent Agenda approval Calloway/Babb - 8 ayes.

ORDINANCE NO. (1985) - 530 TC 234

AN ORDINANCE TO CLARIFY THE RALEIGH PLUMBING CODE.

WHEREAS, the Raleigh City Code presently uses the words "water service" and "sewer" service to mean both the provision of utility service and those portions of water service and sewer service pipes located on public property; and

WHEREAS, the North Carolina Building Code plumbing section defines water service to mean pipes extending from the water main on public property to the building on private property; and

WHEREAS, the City Code is silent about the number of stub connections allowed for each lot and the Code fails to explain how fees in lieu of assessments are handled following a subdivision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Subsection 10-6071(d)(6) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(6) Water service stubs and (building sewer) sewer service stubs. Those portions of the water service and building sewer pipes which connect to the City's water and sewer mains and extend to the property line."

Section 2. The second sentence of subsection 10-6080(a) of the Raleigh City Code be amended to change the referenced code section contained therein from 2-2003 to read 8-2003.

Section 3. The word "service" be inserted immediately before the word "stubs" wherever it appears in subsection 10-6080(b) of the Raleigh City Code. The last sentence of this subsection 10-6080(b), is moved and made to be the last sentence of amended subsection 10-6082(b).

Section 4. The semicolon is hereby deleted from the title of §§10-6081 and 10-6082.

Section 5. Subsection 10-6081(b) of the Raleigh City Code, including the titled, is hereby amended to insert the word "stubs" immediately after the word "services" wherever it appears in said subsection. Said title and subsection are further amended to make the plural of "services" to read "service." The columns and the title of the chart in said subsection are hereby amended to insert the word "stub" immediately after the word "service" wherever it appears except in the case of split water. Said subsection is further amended to insert a new sentence immediately before the last sentence of this subsection and the new sentence shall read as follows: "Fees for service stubs installed by the city in public easements, outside of rights-of-way shall be seventy-five percent of the fee for installations listed under the column entitled "Dirt."

Section 6. Immediately before the word "there" appearing after the first comma of subsection 10-6081(c) of the Raleigh City Code the following is inserted: "either at the time of connection as provided in §10-6081(3) or presentation of a subdivision for recordation whichever occurs first."

Section 7. Subsection 10-6081(d)(1) of the Raleigh City Code is amended to delete the words "or the outfall lines" and in lieu thereof the following language is inserted," collectors or interceptors."

Section 8. To conform with City Code usage, subsection 10-6081(d)(5) of the Raleigh City Code is hereby amended to replace the words "tourist camp" wherever they appear in this subsection with the word "motel."

Section 9. Subsections 10-6081(d)(6) and 10-6081(e) of the Raleigh City Code are hereby repealed, rewritten, and reenacted to read as follows:

"(e) Payment of connection fees. When at the time of grading or otherwise improving any street or highway (including the installation of water and/or sewer mains) the property owner or developer extends water and sewer service stubs from the water and sewer main to the property line it shall not be necessary at that time to pay to the city the water and/or sewer connection fees or charges prescribed by this code, unless specifically ordained otherwise, but such fees or charges shall be paid prior to extending of any service line beyond the property line prior to obtaining water and/or sewer service from the city, and no water and/or sewer service shall be furnished by the city until the water and/or sewer connection fees or charges as prescribed by this code shall be paid in full and until all other fees and charges in connection therewith shall have been paid in full. Developments authorized by Article D Chapter 3 Part 10, and Group Housing Developments authorized by §10-2075 of this code shall make such payment prior to extending any water and/or sewer service line beyond the property line, and prior to obtaining water and/or sewer service from the city to the first unit or lot when any recorded development, or phase, or

section and such payment shall be made for the entire recorded development, or phase, or section.

(f) Installation of stubs, and water and sewer service.

(1) Applications to install in public rights-of-way water or sewer service stubs shall be filed by licensed utility contractors with the department of inspections; applications to install in public easements on the premise water or sewer service stubs shall be filed by either licensed utility contractors or by licensed master plumbers. Each lot may contain only one water service stub and one sewer service stub unless more than one building is allowed on the lot or unless the engineering drawing of a subdivision has been approved in conformity with this code. Upon receipt of a properly completed application and all required fees, the department of inspections shall issue a permit authorizing the applicant to receive a water meter box and/or a meter coopersetter from the city and to install the requested stubs from the main to the property lien. Inspection of said installations shall be performed by the city engineering department inspectors.

(2) Application to install building sewer service or water service pipes on the premises shall be filed by licensed master plumbers or licensed utility contractors with the department of inspections. upon receipt of a properly completed application and all required fees, the department of inspections shall issue a permit authorizing the said plumber or contractor to receive a water meter box and/or a meter coppersetter from the city and to install the requested service from the property line. Inspections of said installations shall be performed by the city inspections department.

State Law Reference - utility contractors licensing G.S. §87-10.

(3) Fees for coppersetters and meter boxes used in the in stallation of water and sewer services by plumbers or utility contractors may be obtained from the city department of inspections."

Section 10. Subsection 10-6081(f) of the Raleigh City Code as enacted by Ordinance No. (1984) 343 TC 215 is relettered 10-6081(g).

Section 11. The title of section 10-6082 of the Raleigh City Code is hereby amended to delete the semicolon therefrom and to make the word "services" appearing therein to read "service."

Section 12. Subsections 10-6082(a),(b), and (d) of the Raleigh City Code are hereby amended to change the word "services" to read "service" and to insert thereafter the word service the word "stubs."

Section 13. Subsections 10-6082(b) and (c) of the Raleigh City Code are amended to insert the word "stub" immediately after the word "service."

Section 14. The first sentence of 10-6082(b) of the Raleigh City Code is amended to delete therefrom the following language "stopped,". The second sentence of subsection 10-6082(b) of the Raleigh City Code is hereby amended to insert immediately after the last word the following: "or repair at no charge to the consumer."

Section 15. The first sentence of subsection 10-6082(c) of the Raleigh City Code is repealed, rewritten, and reenacted to read as follows: "There shall be no charge for replacement or repairs of defective stubs as provided by this section, 10-6082, except when the existing service stub is enlarged."

Section 16. The last five words are hereby deleted from §10-6083 of the Raleigh City Code.

Section 17. Subsection 10-3014(b)(3) of the Raleigh City Code is hereby amended to insert immediately after the word "location" the following words: "and dimensions."

Section 18. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 19. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 20. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to his end the provisions of this ordinance are declared to be severable.

Section 21. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 22. This ordinance shall become effective five (5) days following its adoption.

Section 23. Section seventeen of this ordinance has been filed with the register of deeds as required by law.

Adopted: 4/2/85

Effective: 4/7/85

***TC-5-85 - GROUP HOUSING NUMBERS - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend Sections 10-2075 and 10-2075.1 to require that the number of units for each group housing or multi-family building be shown on the initial plans submitted to the City.

CR-5499 from the Planning Commission recommended that TC-5-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes.

ORDINANCE NO. (1984) - 531 TC 235

AN ORDINANCE TO AMEND THE GROUP HOUSING DESIGN AND MULTIFAMILY STANDARDS TO REQUIRE THAT THE NUMBER OF UNITS FOR EACH BUILDING BE SHOWN.

WHEREAS, in order for the City of Raleigh to properly assign addresses in a timely manner, it is necessary that the number of units for each building be shown in group housing and multifamily projects.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. §10-2075 of the Raleigh City Code pertaining to group housing development standards is amended to add a new subsection, 10-2075(i) which shall read as follows:

"(i) Units in buildings. All developments which are designed under these standards shall at their time of initial submittal to the city indicate the number of units in each building."

Section 2. §10-2075.1 of the Raleigh City Code pertaining to multi-family dwelling development standards is amended to add a new subsection, 10-2075.1(f), which shall read as follows:

"(f) Units in buildings. All plans for multifamily buildings shall at their time of initial submittal to the city indicate the number of units in each multifamily building."

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to th is end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 7. This ordinance shall become effective upon its adoption.

Adopted: 4/2/85

***REZONING Z-29-85 - SHELDON DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately seven acres from Residential-10 to Residential-20.

CR-5500 from the Planning Commission recommended that Z-29-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes. See Ordinance 532ZC159.

***REZONIING Z-32-85 - ATHENS DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 2.4 acres from Residential-4 to Residential-6.

CR-5501 from the Planning Commission recommended that Z-32-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes. See Ordinance 532ZC159.

***REZONING Z-34-85 - BLUE RIDGE ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately three acres from Residential-4 to Office and Institution-I.

CR-5502 from the Planning Commission recommended that Z-34-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes. See Ordinance 532ZC159.

***REZONING Z-35-85 - DURALEIGH ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one acre from Residential-4 to Residential-6.

CR-5503 from the Planning Commission recommended that Z-35-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes. See Ordinance 532ZC159.

***REZONING Z-44-85 - DURANT ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 88.2 acres from Residential-1 (83.8 acres) and Residential-4 (4.4 acres) to Residential-6.

CR-5505 from the Planning Commission recommended that Z-44-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes. See Ordinance 532ZC159.

***REZONING Z-45-85 - DURANT ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 109 acres from Residential-4 (50 acres) and Industrial-I (59 acres) to Residential-6 (102 acres) and Conservation/Buffer (7 acres, a strip 75 to 100 feet wide north of the centerline of Perry Creek).

CR-5506 from the Planning Commission recommended that Z-45-85 be approved as amended; that is, that Z-45-85 be approved as requested, excluding Lot .21, which was not intended to be part of the rezoning petition. Consent Agenda approval Calloway/Babb - 8 ayes. See Ordinance 532ZC159.

***REZONING Z-46-85 - GRESHAM LAKE ROAD - DENIED

This was a request for approval to rezone approximately 19 acres from Residential-1 to Residential-10.

CR-5507 from the Planning Commission recommended that Z-46-85 be denied. Consent Agenda approval Calloway/Babb - 8 ayes.

***REZONING Z-51-85 - WAKE FOREST ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately .2 acre from Office and Institution-I to Neighborhood Business.

CR-5509 from the Planning Commission recommended that Z-51-85 be approved as requested. Consent Agenda approval Calloway/Babb - 8 ayes. See Ordinance 532ZC159.

********** END OF PLANNING COMMISSION CONSENT AGENDA **********

***REZONING Z-48-85 - EAST OF US 1 NORTH - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 16 acres from Residential-6 to Industrial-I and Conservation/Buffer (a 25-foot strip along the south and southeast borders).

CR-5508 from the Planning Commission recommended that Z-48-85 be approved as amended; that is, that the Industrial-I portion be approved as requested, but that the Conservation/Buffer strip along the south and southeast borders be 50 feet rather than 25 feet.

Planning Director Chapman explained the proposal and in response to questioning indicated the New Hope Church Road extension is not involved in this request. Ms. Block moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 532ZC159.

***REZONING Z-52-85 - WAKE FOREST ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 2 acres from Residential-10 to Office and Institution-I.

CR-5510 from the Planning Commission recommends that Z-52-85 be approved as requested.

Planning Director Chapman explained the request. Chairman McNeely indicated there was little discussion on this item except for the fact that the wife of the applicant signed a petition against the rezoning. He indicated the proposed rezoning does not make the property non-conforming. Ms. Block indicated her concern was the fact that the owners of the property were split as to whether the rezoning should or should not take place. She indicated two people live in the house and the wife did not want it rezoned. Mr. Walters moved the Planning Commission's recommendation be upheld. His

motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 532ZC159.

***REZONING Z-1-85 - ARDEN CIRCLE - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 50 acres from Residential-4 to Residential-6.

CR-5494 from the Planning Commission recommended that Z-1-85 be approved as amended; that is, that the property contained in Z-1-85 be rezoned to Residential-6 as requested with a five-foot Conservation/Buffer along the northern boundary.

Ms. Cates indicated she and her husband have been involved in Lightfoot Investments for quite some time. She stated she had not been participating in this item, therefore, she would like to be excused from any vote. Ms. Cates was excused. Mr. Calloway moved that rezoning Z-1-85 be referred to Law and Finance Committee. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-2-85 - DURALEIGH ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 16.5 acres from Residential-6 to Residential-10. Ms. Cates indicated she and her husband have been involved in Lightfoot Investments for quite some time. She stated she had not been participating in this item, therefore, she would like to be excused from any vote. Ms. Cates was excused.

CR-5495 from the Planning Commission recommended that Z-2-85 be denied.

Ms. Babb indicated Z-1-85 and Z-2-85 are somewhat connected, therefore, she would move that Z-2-85 be referred to Law and Finance Committee. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-39-85 - CREEDMOOR ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately two acres from Office and Institution-II to Shopping Center.

CR-5504 from the Planning Commission recommended that Z-39-85 be approved as requested.

Planning Director Chapman explained the request. Chairman McNeely explained the surrounding rezoning pointing out this proposal would not put Shopping Center zoning any closer to any residence than it already is. Mr. Congleton pointed out this is a tough case. He indicated in one sense with the O&I-II zoning, we could end up with a high rise on this property. He stated it is already surrounded by Shopping Center and he feels it would be better to have it all zoned Shopping Center than to have different parcels because of the different curb cuts. Therefore, he would move approval of the Planning Commission's recommendation. His motion was seconded by Ms. Babb. Ms. Block indicated she has quite a few problems with this application, pointing out she realizes it would be better to have all of the property zoned the same. She indicated she had said that she would not vote for anything else that would put more traffic on Creedmoor Road until something is done about the road. However, this is surrounded by Shopping Center zoning already. Ms. Cates briefly spoke to her feelings on this case, pointing out she too, has stated that she would not vote for anything else that would put more traffic on Creedmoor Road. She stated, however, because of the Falls Basin policy, she feels that this area is needed to serve the residents of that area. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 532 ZC 159

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Sheldon Drive, south side, between Rush Street and Marion Road, being Parcels 5-11, Tax Map 632, rezoned to Residential-20. (Z-39-85)

(b) Athens Drive, south side, between Hailey Drive and the Raleigh Beltline, being Parcels 42, 58, 377, and 383, Tax Map 548, rezoned to Residential-6 District. (Z-32-85)

(c) Blue Ridge Road, west side, between Lake Boone Trail and Forest View Road, opposite Rex Hospital, being Parcels 30 and 31, Tax Map 462, rezoned to Office and Institution-I District. (Z-34-85)

(d) Duraleigh Road, east side, opposite Rockwood Drive, being Parcel 110, Tax Map 432, rezoned to Residential-6 District. (Z-35-85)

(e) Creedmoor Road, west side, between Strickland Road and Morgan's Way, being Parcels 22, 57, and 23, Tax Map 301, rezoned to Shopping Center. (Z-39-85)

(f) Durant Road, south side, at its western intersection with Camp Durant Road, being Parcels 4, 14, 17, 18, and 13, Tax Map 305, rezoned to Residential-6 District. (Z-44-85)

(g) Durant Road, south side, between CAmp Durant Road and the Seaboard Railroad, being Parcel 5, Tax map 305, rezoned to Residential-6 and Conservation/Buffer (a strip 75-100 feet wide north of the centerline of Perry Creek), according to map on file in the City of Raleigh Planning Department. (Z-45-85)

(h) East of U.S. 1 North, between Buffalo Road and Louisburg Road, being Parcels 12 and 641, Tax Map 438, rezoned to Industrial-I and Conservation/Buffer (a 50-foot strip along the south and southeast borders). (Z-48-85)

(i) Wake Forest Road, east side, between Young Street and Hodges Street, directly across from McNeill Street, being Parcel 10, Map F-18, rezoned to Neighborhood Business. (Z-51-85)

(j) Wake Forest Road, east side, between Whitaker Mill Road and Mills Street, being Parcel 5, 7-10, and 21, Tax Map 495, rezoned to Office and Institution-I. (Z-52-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 4/2/85

COMMITTEES, COMMISSIONS AND BOARDS

***HISTORIC DISTRICTS COMMISSION - NOMINATIONS MADE

The City Clerk reported one vacancy due to the resignation of William H. Bingham, Jr. Nominations include Vivian Irving and Mrs. Chris Lawton. Nominations have not been closed. Ms. Cates nominated Stan Caton. Mr. Congleton indicated he has talked with Ms. Lawton since he nominated her and it has been determined that she has a conflict as it relates to meeting times; therefore, he would like to withdraw her name from nomination. No further action was taken.

***HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - APPOINTMENT MADE

The City Clerk reported the term of Peter Rumsey expires April 21 and the term of Paul Thompson expires May 15. Nominations include Lucille Webb, Peter Rumsey and David Brownlee. Nominations have not been closed. There being no further nominations, Mr. Congleton moved that nominations be closed. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Webb - 6 (Walters, Babb, Cates, Calloway, Block, Keller); Rumsey - 7 (Walters, Babb, Cates, Calloway, Block, Upchurch, Keller); Brownlee - 2 (Congleton, Upchurch). The Mayor announced the appointment of Lucille Webb and the reappointment of Peter Rumsey to HRHRAC.

***HOUSING AUTHORITY - BOARD OF DIRECTORS - NOMINATIONS MADE

The City Clerk reported the term of William R. Windley, Jr., expires June 7. He is eligible for reappointment. No nominations have been made. Mayor Upchurch nominated Mr. Windley.

***FAIR HOUSING HEARING BOARD - NOMINATIONS MADE

The City Clerk reported the terms of H. B. Pickett and Robert Learoyd expire May 2. Both have been nominated for reappointment. Ms. Block nominated Betty Oxidine Mangum. No further action was taken.

***GREENWAY COMMISSION - LEON LUCAS REAPPOINTED

The Clerk reported the term of Leon Lucas expires May 19, 1985. He has been nominated for reappointment and nominations have not been closed. There being no further nominations, Mr. Keller moved that nominations to the Greenway Commission be closed and Mr. Lucas be reappointed by acclamation. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PLANNING COMMISSION - NOMINATION MADE

The Clerk reported the term of Thomas C. Worth, Jr., expires June 2, 1985. He is eligible for reappointment and has an excellent attendance record. No nominations have been made. Mayor Upchurch nominated Mr. Worth. No further action was taken.

***TELECOMMUNICATIONS COMMISSION - CHAIRPERSON - NOMINATIONS MADE

The City Clerk reported the chairman position of the Telecommunications Commission is vacant. The Council had agreed to hold appointment until a report is received from the City Manager. Mayor Upchurch indicated he felt it was time to fill this position, therefore, he would nominate Joan Baron. No further action was taken.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

***SOUTHWEST/WEST PLANNING UPDATE - INFORMATION RECEIVED

Ms. Babb indicated the Comprehensive Planning Committee is working on the Southwest/West Plan Update, however, are not ready to make a report. The item was received as information.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

***WAKE MEDICAL AUXILIARY PROPOSAL - REFERRED TO THE DOWNTOWN ADVISORY COMMITTEE

Mayor Upchurch reported the Downtown Committee recommends that the Downtown Advisory Committee explore the possibility of a major science and technology exhibit facility in Downtown Raleigh and the possible relationship of this facility to the Wake Medical Auxiliary proposal. It is recommended that this concept be endorsed by the City Council and the Downtown Advisory Committee be encouraged by the City Council and the Downtown Advisory Committee be encouraged to move forward in a positive manner on this concept. On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Ms. Babb. Brief discussion took place about this program, with Ms. Block indicating she just wanted to make sure that it is not being proposed for the Olivia Raney Library Building with Mayor Upchurch pointing out the Downtown Advisory Committee indicated they did not feel that the Olivia Raney Library Building is an appropriate location for this type facility. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***DOWNTOWN HOUSING PROGRAM - NCNB COMMUNITY DEVELOPMENT CORPORATION - DESIGNATED LEAD DEVELOPER

Mayor Upchurch indicated the Downtown Committee recommends that NCNB Community Development Corporation be designated as the lead developer for a housing program in the Downtown East and Thompson/Hunter School redevelopment area. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CITY MARKET PROJECT - ADMINISTRATION TO ANALYZE - ITEM HELD IN COMMITTEE - FUNDS APPROPRIATED

Mayor Upchurch indicated the Downtown Committee recommends that $5,000 be appropriated from City Council Contingency to be used by Administration for the hiring of financial institutions as needed to analyze the City's involvement in Cranston's new financial proposal relating to the City Market project. The item is being held in Committee for further evaluation. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Walters.

Ms. Block questioned the new proposal and why we have to analyze it. City Manager Benton indicated the proposal that came back to the Downtown Committee was quite different than the concept the Council had been working on before and it was felt that we should look at it further before proceeding and that is why Administration requested additional time and money to do this analysis. Mr. Benton indicated the City's financial involvement did not change but the return would be different. Therefore, he feels it should be analyzed before Administration could make a recommendation. He stated the previous proposal had been analyzed with the help of Zuchelli Hunter. Ms. Block questioned if Zuchelli Hunter would be utilized to analyze this proposal with City Manager Benton indicating Administration would be working with the auditors we work with on a regular basis. He stated there is an individual in Chapel Hill who is familiar with public/private partnerships and we would probably get information from that individual as well as any other sources available. Mayor Upchurch indicated the Committee stressed the importance of getting a recommendation back to the Committee at its next meeting. The motion, as stated, was put to a roll call vote and resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 525TF19.

REPORT AND RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD

***FLETCHER PARK - STADIUM CONSTRUCTION - REFERRED TO THE SPECIAL CITY/SCHOOL COMMITTEE

City Manager Benton explained at the February 27, 1985, Parks and Recreation Board Meeting, the following motion was made:

"That we recommend to the City Council they not approve constructing a stadium facility in Fred Fletcher Park, but that as the issues arise, they consider the use of the park for intramural and practice use."

Mr. Benton indicated the Council did set up a Special City/School Committee to study the Fletcher Park and the Council may want to refer this item to them. Ms. Block indicated she did not feel she could ever consider constructing a stadium at Fletcher Park as she did not feel there was room, etc. Therefore, she would move approval of the recommendation of the Parks and Recreation Advisory Committee with the idea that the Special City/School Committee could negotiate uses that are feasible. Her motion did not receive a second. Ms. Cates indicated she feels the appointment of the City/School Committee was a good idea and she would suggest that this recommendation be referred to that Committee for information and consideration, however, she would hope that that Committee would start at ground zero and come up with recommendations. Her motion was seconded by Mr. Walters and after brief discussion, put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE WORK SESSION

***PARK LAND ACQUISITION - APPROVED; PLAN REFERRED TO INTERGOVERNMENTAL LIAISON COMMITTEE FOR INFORMATION

Mayor Upchurch indicated that Administration's recommendation as outlined in the report entitled, "1985-1990 City of Raleigh Short-Range Park Land Acquisition Plan," dated March, 1985 be approved and followed.

It is recommended that the report be referred to the Intergovernmental Liaison Committee so they can review the program with the County and ask that they consider Raleigh's program when buying park lands.

On behalf of the Committee, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***ROAD BOND PROPOSED CONSTRUCTION PROGRAM AND SCHEDULE - APPROVED

Mayor Upchurch indicated that Administration's recommendation in the report entitled, "Implementation Program for Thoroughfare Improvements," dated March, 1985 be approved and Administration directed to proceed; this includes summary of recommendation including the recommendations relating to Creedmoor Road. Mayor Upchurch indicated it is further directed that assessment hearings be scheduled on all projects both inside and outside the City and assessments be placed against such projects unless it is determined that it would be detrimental to the City. On behalf of the Work Session, Mayor Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Congleton. In response to questioning, City Attorney McCormick indicated under this procedure we would have the assessment hearing whether the project is in or outside the City and those that are outside the City would be due when the property is annexed into the City. He explained the new legislation that was approved for the City a couple of years ago to allow for construction and assessments of roads outside the City. Ms. Block stated with that clarification, she could vote for the recommendation of Work Session.

Ms. Cates indicated that she worked for the passage of the road bond referendum and she endorses the concept of the program prepared staff. She stated, however, she did not want her vote for this program to be considered an endorsement of a specific road nor all the priorities listed as she has some questions about the priorities. She stated for instance, she wants to know exactly what is planned so far as improvements at Glenwood and Saint Mary's before she would vote specifically for these improvements. She stated she felt that Sneeden extension to Blue Ridge is a higher priority than the Glen Eden extension or Cardinal Gibbons. She stated the citizens out there have been assured by her that they will have additional input on specific roads before the Council's commitments. She stated at this time, she had two points she wanted to make. First, to allay concerns, she would like for the minutes to show that the City Manager's Office has outlined the following process to be followed after the Council's approval of the bond program to date: 1) the engineer and design work will be done; 2) in order of Council's chosen priority, public hearings will be held on individual projects; 3) Council will vote on specific projects ordering the work to be done; 4) right-of-way acquisition will commence; 5) bid process will take place. She stated the second point is that if she remembers correctly, the referendum called for landscaping along these roadways and she wants to make sure that the cost figures incorporate the cost of landscaping. She stated she wanted the City to continue to do the good job that the City and State have been doing lately as it relates to landscaping. City Manager Benton indicated this is the process that will be followed. Mayor Upchurch indicated Ms. Cates' comments are not a part of the motion, that the motion is as reported out of Work Session and amended by him and read at the beginning of the discussion. The motion, as presented by the Mayor, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***LITTER CONTROL PROGRAM - APPROVED

City Manager Benton indicated, pursuant to a Council request, a review of the highway litter conditions in the City has been made. He indicated Council Members received a memo dated March 25, 1985, in their Agenda packet outlining a proposed program to remove the critical litter sites on the Beltline. He indicated there are 20 Beltline interchanges and 16 of these are within the City and the program outlined would be directed at the 16 interchanges within the City. He explained the maintenance of these interchanges is a State Department of Transportation responsibility but the regular removal of litter from these areas is evidently not a level of service that the State is prepared to deliver. He stated we do have an active litter collection program on the City streets. He indicated the proposal utilizes individuals who are under court ordered community service time relating to the DWI program. He indicated they would work with a City supervisor on Saturdays picking up litter along the Beltline interchanges. He stated it is hard to estimate the amount of time that will be required for the people to collect litter from one interchange, however, a rough estimate is that one interchange will require about a half day's work. He stated under this proposal, an interchange would be cleaned once every eight weeks. He stated the annual cost would be approximately $5,650 and most of this relates to the salary of the supervisor.

Mr. Benton indicated it has been learned that it is the policy of NCDOT to install "no littering" signs only upon request of a governmental agency or individual citizen in an area where there is a need for such signs. Therefore, the City DOT is working with the State Engineering Branch to identify areas for the placement of signs. Mr. Benton indicated the third area of the report relates to enforcement, pointing out the Police Department has begun a more active program of enforcing the litter laws. He explained four motorists have been cited for failing to properly secure a load. He explained one tool the City has used is not accepting loads from trucks arriving at the landfill that do not have a proper cover. He stated this has been in effect for about one year. He stated the Police Department will use an educational approach for the first major effort at enforcement, explaining warnings will be issued and if this does not result in an improvement, then citations will be used. He explained the next Police in Service Training Session will have special emphasis on the litter statutes and explained an educational and a PR program utilizing water and sewer bill inserts, radio spots, etc., to inform the public about the enforcement of the litter laws.

Mr. Congleton indicated he appreciates the effort on this item explaining he feels Administration has made excellent recommendations. He indicated he understood completely the intent behind the rule not to accept covered loads at the landfill but wondered if this is a good idea, explaining if the load is not accepted it will just leave and continue littering along the highway. He questioned the possibility of just ticketing a truck at the landfill or sending out educational material on the proper securing of a load. Ms. Block indicated she, too, had concerns about this and wondered if we could just double the fee for an unsecured load. Ms. Cates agreed it was an excellent report and suggested that maybe people could be given educational material if they arrive at the landfill with an unsecured load. She stated she is very much in favor of the installation of signs. How to handle unsecured loads at the landfill was discussed at length, with Mr. Walters pointing out the carriers know they are breaking the law if they do not have their load secured. Ms. Block suggested referring this portion to the Public Works Committee, that is how to handle uncovered loads arriving at the landfill with Mr. Walters pointing out there is already a law on the books. Mayor Upchurch stated he feels this comes a long way and he feels that we should just move forward and see how it works, pointing out the procedure could be adjusted if needed. Ms. Cates moved the recommendations as outlined in the report dated March 25, 1985 and explained by the Manager be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***FALLS LAKE - ANNUAL PAYMENT - FUNDS APPROPRIATED

In the commencement of the annual payment program to the Corps of Engineers for water supply in the Falls Lake, the 1984 payment was not requested or made until after the commencement of this fiscal year. The City has now received the 1985 payment request which is due in April, 1985.

Recommendation: That a transfer in the amount of $213,834.68 from Council Reserve Utility Account be approved to allow the 1985 Falls Lake payment. Ms. Block moved the Manager's recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 525TF19.

***BROUGHTON FARMS PROPERTY - PROPOSED AGREEMENT - APPROVED - FUNDS APPROPRIATED

This property is located on the east side of U.S. 1 North of the Mini-City and in the Perry Creek basin. The City Council has previously agreed to allow the property owner to use septic tanks in addition to a package treatment plant on the condition that the property will be connected to the sewer system when it is completed.

In addition, it is necessary to address the question of reimbursement for a sewer main which has been built on the property and connects to an existing package plant. Under normal conditions, this line would be handled as an acreage fee reimbursement contract. However, we need to preserve the condition that the Neuse-Perry Creek Outfall would be the first acreage fee contract project in this area.

These two problems have been addressed in a proposed agreement which was included in the Agenda packet.

The provisions of the contract are:

(1) Broughton and EMC, who have built the main, will dedicate the main to the City;

(2) Broughton and EMC will abandon their interest in the existing package treatment plant at the time public gravity sewer is available to their property connecting to the City sewer system;

(3) Prior to the conversion to the public system, Broughton will notify all existing sewer users to whom they have sold land that they will be required to pay standard sewer acreages and outside sewer connection fees;

(4) The City will reimburse Broughton for the cost of the major sewer which is calculated to be $104,444.96, by using the present worth economic analysis based on nine percent interest and a four year pay back. This equates to a single lump sum payment of $84,600.42, to be made to Broughton after the execution of this agreement;

(5) The City will allow temporary septic tanks provided:

a. Broughton will be responsible for placing a condition on each lot at the time of recordation that this lot is using a temporary septic tank and, at the time public sewer is operational, the property owner will have 30 days thereafter to connect to the public system and pay all applicable fees, such as sewer acreage fees, outside sewer connection, and deposits;

b. Broughton will provide sewer stubs for each lot on which a septic system is used so as to minimize future connection costs;

c. Broughton will secure the approval of temporary septic tanks from the Wake County Health Department and provide the Public Utilities Department with a copy of the permit.

Recommendation: That the Council approve the agreement and the following transfer of funds:

Transferred From:		
06-2-7100-0001	Council Reserve Utility	$84,600.42
Transferred To:		
06-2-7100-0210	Broughton Farms Reimb. Utility	$84,600.42

City Manager Benton explained this proposal pointing out there are two issues involved. One relating to the fact that this subdivision is in the Perry Creek Basin and the City had approved the subdivision prior to development of policies for Perry Creek and the second problem involves phasing and the use of septic tanks. He briefly explained the proposal. Mr. Walters moved the Manager's recommendation, as outlined, be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 525TF19.

***PUBLIC UTILITIES - PROPOSED CITY CODE AMENDMENTS - REFERRED TO PUBLIC WORKS COMMITTEE

At the Council Meeting, the Planning Commission will recommend (CR-5498) that TC-4-85 be approved. This is a set of amendments to the City Code which required the public hearing process. In addition, there is a need to modify Chapter 2, Part 8 of the City Code to clarify certain utility related items which do not require a public hearing. Included in the Agenda packet was a proposed ordinance which makes these adjustments. There are numerous clarifying adjustments, but the substantive adjustments are minor as noted below:

(1) Replacement of the 2 feet by 2 feet meter easement adjacent to rights-of-way by a more general 2 feet easement adjacent to the right-of-way. The Utility Director advises that meters are not being located in these 2 feet by 2 feet easements. This change is contained in Sections 5 and 7 of the draft.

(2) Expansion of the emergency powers of the City to discontinue utility service and make repairs to private lines to include single metered developments. These emergency powers are now limited to common metered developments. Section 10 of the draft contains this change.

(3) A catch-all provision for collection of required utility user fees and a prohibition against covering manholes has been added. There have been several instances recently of persons burying City manholes with grading material. The proposed prohibition is similar to the present Code requirement prohibiting obstructions of City sidewalks. These changes are contained in Section 11 of the draft.

(4) Reference is made to State approval of extensions of the utility system. These provisions are contained in Section 25 of the draft as City Code §§8-2064 and 8-2065.

(5) A one-year warranty provision was added for pump stations dedicated to the City.

Recommendation: That the proposed ordinance be adopted.

Ms. Block indicated as she read through this, it looked very good but she had questions about the "one year warranty provision for pump stations dedicated to the City", questioning who would put up this warranty with City Attorney McCormick pointing out it would be whoever dedicates the system. Discussion took place on the warranty and the difference in this proposal and the proposal by the State that relates to sewer treatment plants. Ms. Block questioned if there was any security requirement as it relates to the warranty, with City Attorney McCormick indicating there is not. Ms. Block stated she would like to see some type security, therefore, she would move that this proposal be referred to Public Works Committee. Without objection, the item was so referred.

***STREET AND PUBLIC UTILITY IMPROVEMENTS - GORMAN STREET - RESOLUTIONS OF INTENT ADOPTED

A section of the Gorman Street project from Western Boulevard to Ligon Street (Sullivan Drive) should be considered as a standard assessment project. The remaining section extending northward to Hillsborough Street involves the railroad overpass and is, thus, at a substantial grade differential with adjacent property.

It is proposed that the section from Western Boulevard to Ligon Street be handled as a standard street assessment project for construction of curbs, gutters, drains, and paving 41 feet back-to-back with sidewalks on both sides, and installation of approximately 1,300 linear feet of 8-inch ductile iron water pipe. Assessments would be on front footage basis. It should be noted that NCSU has a substantial part of the road frontage.

Recommendation: That the Council approve the commencement of the assessment process as proposed by adopting a Resolution of Intent and authorizing a public hearing be set for street, sidewalk, and water main improvements.

Ms. Block questioned access on the section of the proposed road at the railroad overpass. Chief Engineer Thomas explained this proposal. He indicated a number of houses are involved and it would require that the City purchase the entire lot; therefore, the City would be the adjoining property owners. After brief discussion on the proposals, Mr. Keller moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 751

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, its authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of curbs, gutters, drains and paving 41 feet back-to-back on Gorman Street from Western Boulevard to Ligon Street with sidewalks on both sides

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each

street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. Sidewalk improvements shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, except in a residential zone the Council may direct that sidewalks be constructed on one side and assessed against property abutting both sides.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street and sidewalk improvements assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the 7th day of May, 1985, in the Council Chamber of the Municipal Building, Room 201, in the City of Raleigh, North Carolina or as soon thereafter as the matter can be reached.

Adopted: 4/2/85

RESOLUTION NO. (1985) 752

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water system of the City of Raleigh be constructed, reconstructed, extended and other wise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water mains located and described as follows:

> PU 1985-11 - Installation of approximately 1,300 linear feet of eight-inch ductile iron water main on Gorman Street, from Western Boulevard to Ligon Street.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 7th day of May, 1985, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 4/2/85

***TRAVEL POLICY - AUTO MILEAGE REIMBURSEMENT RATE - CHANGED TO 20.5¢ PER MILE

City Manager Benton explained new IRS regulations provide that employers may not reimburse business mileage to employees at a rate in excess of 20.5¢ per mile without substantial recordkeeping and tax reporting. The City presently reimburses at a rate of 22¢ per mile and is in conflict with that IRS position. After a thorough administrative review, it has been concluded that the City's position should be to reduce the mileage reimbursement rate from 22¢ now allowed by Standard Procedure to 20.5¢, effective May 1, 1985. Since this reimbursement is provided by the travel procedure approved by Council, it is appropriate for Council to concur in this reduction.

Recommendation: That Council agree to the recommendation of Administration. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***WATER ALLOCATION - CARY AND MORRISVILLE - AMENDED REQUEST APPROVED

City Manager Benton explained the Town of Morrisville has submitted a request for an increase in water allotment of 200,000 gallons per day. In the past several months, the City deferred a request from Cary for an increase of 2,000,000 gallons per day. At that time, the City deferred the request until further analysis could be made by the Corps of Engineers on the storage capacity of Falls Lake. We had expected to resolve this by March, 1985, but it now appears that this may not be resolved until after May, 1985.

Recommendation: In an effort to be sensitive to the needs of these towns, it is suggested that the Morrisville request be approved for an additional 100,000 GPD and the Cary request for an addition 1,000,000 GPD at this time and that the remaining request would be considered following the final review of the storage capacity in Falls Lake. City Manager Benton briefly explained his recommendation after which Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Ms. Block indicated it should be noted that the capacity is lacking in Falls Lake and we are going to have to put the southern lakes back on line sooner than we had anticipated. She stated we need to do all we can to protect them and also request cooperation from our sister cities to do what they can to preserve our water supply. Mr. Walters indicated we may want to keep the southern lakes in service and may want to consider utilizing that water to sell to other cities in the County. He pointed out we presently sell water and we sell water for a profit and maybe this is a way to bring increased revenues in the Public Utilities Department. The comments were received.

***WHITE HOLMAN HOUSE - BID FOR RELOCATION - AWARDED TO CHANCE HOUSE MOVING COMPANY

City Manager Benton indicated we have attempted on two occasions to receive bids for moving the White Holman House. He stated we have gone through the solicitation process twice and have received one bid - Chance House Moving Company for $35,000. He stated this is about $10,000 under the estimates we received as it relates to moving the house, therefore, Administration would recommend awarding the bid and the appropriate transfer to cover the contract. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 524.

***PERSONNEL MANAGEMENT - CITY MANAGER GIVEN DISCRETION IN STEPS OF PAY LEVEL

The current City policy allows the City Manager to approve payment of starting salaries for new employees up through Step 3 in the Pay Plan at Pay Grade 36 and below and up through Step 4 for Pay Grade 37 and above.

At times, it becomes essential to recruit and select individuals who would need to be paid at a higher level than those noted above. It would facilitate the selection process if the Council authorized the City Manager to approve employment at the appropriate step in the pay plan in those instances where City needs necessitate such action.

Recommendation: That the Council approve an adjustment to the Personnel Policy which would allow the City Manager to approve initial salary levels up through Step 6 for Pay Grade 37 and above when justified to meet City personnel requirements.

Ms. Block indicated this is something that has been concerning her for quite some time. She stated while she did not want to handicap the City Manager in hiring personnel, that this does seem to be a band-aid to this problem. She explained about two weeks ago, she requested an overall assessment of the pay plan and questioned if this is her answer. City Manager Benton indicated Administration had been looking at the overall salary plan prior to the request by Council. He stated he is still assessing that and will be making a recommendation. He stated this is not the answer to Ms. Block's request, but he did not think that whatever he recommended as to how to proceed on a salary study would change this recommendation. He stated this is a problem we do have in terms of getting good people regardless of what the pay scale is. Ms. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Ms. Babb. Ms. Block questioned if we couldn't hold this up until we get the recommendation. Mr. Congleton questioned how many steps we have with Mr. Benton indicating in Pay Grade 37 and above we have 8 steps plus 2 additional half steps or basically 10 steps. Mr. Congleton indicated he feels that the City Council, in hiring the City Manager, makes a conscientious effort in hiring a top person that should have the ability to make this type decision. He stated he would feel comfortable in giving the Manager discretion of going anywhere in the pay scale. He stated he did not believe that the Council should make someone City Manager and not expect him, like any other chief executive officer, to run the City. Therefore, he would move that the Council amend the motion to give the City Manager the authority to go anywhere within the pay plan. This amendment was seconded by Mr. Walters, pointing out that the City Manager reports to the City Council and he is accountable to the City Council and if he abuses this authority, then the Council could deal with the Manager. Ms. Cates and Ms. Babb agreed to the amendment. Discussion took place as to what it would hurt to hold up this recommendation until the overall recommendation on the pay plan is received from the City Manager. Ms. Babb pointed out she believes all Council Members share Ms. Block's desire to look at the City personnel policy and pay plan overall, but in her opinion what the City Manager is looking for today is some discretion in allowing him to make the decisions. Therefore, she would suggest that the Council go ahead and vote on the motion as amended. The motion as amended was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***LEGISLATIVE PACKET - CITY ATTORNEY AUTHORIZED TO SEEK ENABLING LEGISLATION RELATING FACILITIES FEES, OCCUPANCY TAX AND SUPPORT STATEWIDE BILL RELATING TO UTILITY APPROVAL

Mayor Upchurch indicated there are two items to be discussed relating to our legislative packet, that is facilities fees and occupancy tax. He stated we are not writing the bill today, we are just asking for enabling legislation. Ms. Babb indicated as she understands it, this is just enabling legislation that we are discussing a concept and would ask the City Attorney to approach the General Assembly about the concept and the City would continue working to define these two proposals. City Manager explained the facility or impact fee, pointing out Council Members did receive a proposed bill to amend the charter of the City, pointing out this bill would give the City broad authority not only in the areas of street construction but several other areas where it may be desirable to set up facilities fees. Mr. Walters indicated this had been discussed for a number of years and he feels the City Council is in favor of this proposal and he feels very comfortable with the proposed bill that was included in the Agenda packet. Therefore, he would move approval of the facilities fee proposal as included in the Council Members Agenda packet. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

The next item dealt with the occupancy tax with City Manager Benton explaining Council Members did receive a proposal in their Agenda packet. He indicated the proposal that is before the Council today is different from the document they received in December basically in two ways. One relates to the distribution formula and the other relates to the organizational structure to administer the convention visitors program. He indicated the organizational structure relates to an outside organization administering the program as compared to a City department, pointing out it would still retain City Council authority to appoint the individuals to the board to supervise the program and require an annual budget to be submitted to the City Council. City Manager Benton indicated he does feel that we are deficient now in the City in terms of a structure for convention activities; bringing people in, working with conventions, setting up conventions, etc. Ms. Cates indicated she is in favor of a hotel tax as she pays one everywhere she goes and she feels that it is good and a new source of revenue; however, she does have some problems relating to the distribution formula and what the City's responsibilities would be. She stated she would like to see a copy of the proposed bill. She stated as she reads this information, the City's share of the tax will be less but we would be getting a greater share of responsibility for what she sees as hardware problems, that is, buildings, maintaining, and operating facilities, etc. She stated the City seems to be responsible for the expensive items but only receives 1/3 of the revenue. She stated the Visitors' Bureau would be responsible for the software part of the program but would receive 2/3 of the revenue. Ms. Babb indicated she supports what the City Manager has brought forward, pointing out this is a piece of enabling legislation and if we get that authority, then we would work out the proposal. Mayor Upchurch and City Attorney McCormick indicated this is the actual bill. Ms. Babb indicated she feels that this is the best workable compromise we would be able to get. She indicated in some cities, the private groups get better breaks and it seems that this type facility works best when they are autonomous and not just another City department.

Ms. Cates indicated the thing that bothers her is that she is not willing to commit the taxpayers of Raleigh to other funds. Mr. Congleton explained he would endorse what has come forward. He stated he understands what Ms. Cates is saying but he feels we are talking about a minimum number of dollars in terms of what will be generated. He stated he feels the City Manager and staff have done as good a job as possible in the time frame allowed and he feels that we should move forward to try to get this legislation. City Manager Benton indicated this bill does not obligate the City to build any new facilities. He stated it gives the City the opportunity, if the City so desires, to use the funds to construct, finance or operate any type facilities but does not obligate the building of any facilities. Ms. Block indicated she has somewhat a different problem, pointing out she would not object to a hotel tax if there were two things included - (1) she feels the money should go to the General Fund and, (2) she feels that any time the governing body levies a tax, it should be administered by that elected body and the funds should be utilized by the total population. Lengthy discussion took place basically about the distribution policy, Ms. Block's hopes for the funds to go into the General Fund and Ms. Cates' concern that this does not obligate the City to spend any money. The need to have a unanimous recommendation to go to the Wake Delegation was also discussed. City Manager Benton explained that this enabling legislation would not require the City Council to adopt a room tax or to do anything it just gives the City Council the authority to do it if they so desire. City Manager Benton explained he is somewhat uncomfortable with the trends that have been established relating to the room tax, pointing out Charlotte/Mecklenburg is the only one which has been set up in such a way that the City receives any proceeds from the tax. Ms. Block's feeling that this tax is subsidizing the hotel/motel industry was discussed with Ms. Babb pointing out she sees it as another economic development tool. Ms. Babb moved that the proposal included in the Agenda packet and explained by the Manager be approved for submission to the General Assembly. Her motion was seconded by Mr. Congleton. Ms. Cates indicated she would like to be assured by the City Manager that this proposal does not require the City to build any facilities nor require the City to commit a lot of taxpayers dollars. She stated she did not have a lot of problems with the money not going into the General Fund, she just wants to make sure that the Raleigh citizens are not being committed to additional monies by this proposal. City Manager Benton and Mayor Upchurch indicated the intent of the language is to say that the City Council would have the opportunity to do certain things and the language of the proposed bill would give the City the authority and the opportunity to do things but does not require the City to do anything. The motion, as stated, was put to a vote, which resulted in all members voting in the affirmative except Ms. Block, who voted in the negative. The Mayor ruled the motion adopted.

City Manager Benton explained the City staff has unsuccessfully attempted for several years to work out an arrangement which would eliminate the duplication of work associated with reviewing construction plans for water and sewer lines. At the present time, both the City staff engineers and State engineers review construction plans of developers for water and sewer lines. The result is a duplication of effort and time delays. It is under stood that a State-wide bill may be introduced to set forth a required procedure for delegating the State's plan review to the City. It is recommended that the Council support such legislation if it is introduced. Ms. Babb moved the recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***BUDGET TIMETABLES - AMENDED

City Manager Benton explained it is planned to submit the Proposed Capital Improvements Program to Council on April 16. It would then be appropriate to consider this at the April Work Session.

The original schedule for the annual operating budget called for submission of the proposed budget on May 7, to the Council. Because of time constraints, it is now projected that the budget would be submitted to the Council on May 21, 1985. Ms. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***POLICE ATTORNEY - FUNDS FOR EXPERT WITNESS FEE - APPROPRIATED

City Attorney McCormick requested that the City Council appropriate $800 from City Council Contingency to the Police Attorney's expense account to cover an expert witness fee in an active Workman's Compensation case. Mr. Congleton moved the Attorney's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 525TF19.

***LEGISLATIVE PACKET - STATUS REPORT RECEIVED

City Attorney McCormick indicated the City Council should feel very good about their legislative packet, pointing out the General Assembly has already adopted proposals relating to economic development, Fireman's Relief Fund Board of Trustees, sale of fire hats, conditional use zoning. He stated all of these were in the first 50 laws that passed. Therefore, the Council should feel very good about their legislative work. Mayor Upchurch indicated he is continuing his work on the downtown housing and he has met with all but one of the committee members and thus far, it is receiving very favorable comments.

REPORT OF MAYOR AND COUNCIL MEMBERS

***NATIONAL DESIGN COMPETITION - LETTER OF INTEREST AUTHORIZED

Mayor Upchurch indicated a proposal had been brought to the City by Isaac Manning of Virginia which relates to a National Design Competition. He explained the National Endowment of the Arts is heavily involved in this program and the focus would be on downtown Raleigh. He explained this would bring in 200 to 250 people from nationwide and they would compete, be juried for seating and actually do some type design work. He indicated people compete to earn prizes and recognitions. He stated Mr. Manning would like to submit a proposal of Raleigh. He explained the City would be involved in matching funds but the City's match would be in kind service. He explained earlier today, this proposal was presented to the Downtown Development Corporation and they were somewhat enthusiastic about the possibility of Raleigh participating. He indicated what would be required of the Council at this point is to write a letter of interest in Raleigh participating. Mr. Walters moved that the City Council authorize the Mayor to write a letter of interest saying this has been presented to the City Council. His motion was seconded by Mr. Congleton and after brief discussion on Raleigh's involvement, funds and why the competition is held, etc., the motion, as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***COUNCIL MEETING - MR. CONGLETON EXCUSED FROM APRIL 16, MEETING

Mr. Congleton indicated he would like to be excused from the April 16 Council Meeting. Without objection, it was agreed to excuse Mr. Congleton from that meeting.

***WATER BILLS - POSSIBILITY OF SAVINGS - REFERRED TO ADMINISTRATION

Mr. Congleton indicated many people pay their water bills by bank draft. He stated, however, when the bills are sent out, they include return envelopes, etc. He indicated he did not know how many people do pay their bills by bank draft or how hard it would be to separate those from the regular bills. He stated, however, it might be a cost savings and asked Administration to look at the possibility. City Manager Benton indicated Administration would be glad to look at it, pointing out, we are currently undertaking a total revamping of the water billing system.

***COST SAVING IDEAS - POSSIBILITY OF REWARD PROGRAM - REFERRED TO ADMINISTRATION

Mr. Congleton explained that the State has a program whereby there is incentive for staff people to suggest cost savings ideas. He indicated if an idea is picked up on and utilized by the State, then the person submitting the suggestion would receive a reward. He stated this has been very successful in the State and he was wondering if it had any merit in the City's program. Administration was asked to look at the item.

***ARTS COMMISSION - REQUEST FOR ADDITIONAL FUNDING - RESOLUTION ADOPTED

Mr. Walters indicated at the March meeting, the Arts Commission adopted a resolution about funding of the Grassroots program in the State of North Carolina. He read the resolution indicating the Arts Commission is asking the City of Raleigh to request the Wake Delegation to support the proposal of increased funding up to $6 million dollars or one dollar per capita. Mr. Walters moved that Administration be directed to draft such a resolution for the Mayor to sign and forward to the Wake Delegation. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION (1985) 753

WHEREAS, the City Council is very proud and supportive of the arts programs which it considers a vital enhancement to a quality life for Raleigh citizens; and,

WHEREAS, the Raleigh Arts Commission is the local distributing agent of funds from the North Carolina Arts Council's Grassroots Arts Program and reports that requests for funding from local arts agencies always exceed the amount allocated to Raleigh/Wake County, with those for 1985-86 totaling $74,450; and,

WHEREAS, under the current appropriation to the North Carolina Arts Council, the Grassroots Arts Program funding level is $1,000,000, which brings Raleigh/Wake County's 1985-86 allocation to $52,282; and,

WHEREAS, our local arts agencies seek funding from the North Carolina Arts Council in such other of its grants categories as Salary Assistance, Special and Creative Projects, Government Challenge, etc.;

NOW, THEREFORE, BE IT RESOLVED that the City Council requests the Wake Delegation to support the proposal that the State Legislature increase funding for the North Carolina Arts Council $6,000,000 or $1 per capital, in order that the Grassroots ARts Program funding will be increased to $1,875,000 thus bringing the Raleigh/Wake County allocation to $100,186, thereby providing more funds for local groups through other of the State Arts Council's grant categories; and,

FURTHERMORE, that, should a special bill be developed to secure this additional allocation, members of the Wake Delegation consider serving as co-signers.

***PORT INSPECTIONS - MAYOR TO WRITE LETTER REGARDING POSSIBLE ELIMINATION

Mr. Walters indicated the Reagan Administration has a proposal to eliminate port inspectors in North Carolina. He indicated Governor Martin has spoken in opposition to this proposal. Mr. Walters explained the impact of this plan would be a terminal blow to the research triangle foreign trade zone which was established to facilitate import and export of goods. Mr. Walters suggested that the Mayor be authorized, on behalf of the City Council, to urge the Governor to continue to oppose this plan so that we may maintain our course for a healthy economy. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ANNEXATION POLICY - LONG RANGE PLANS - REFERRED TO INTERGOVERNMENTAL COMMITTEE

Ms. Cates indicated she is somewhat concerned about the City's annexation policy and actions taking place in the Senate relative to annexation. She questioned if the City is taking steps to extend our ETJ to the 3 miles outside of the pending annexations. Brief discussion took place and by general consensus, the item was referred to the Intergovernmental Committee to review the long range annexation plans of the City.

***SWIMMING POOLS - COMMENTS RECEIVED

Ms. Cates indicated she was very happy to see that the Mayor has gone on record as supporting the 6th swimming pool and a year-'round swimming pool in the City of Raleigh. She indicated she would like to try to get this into the 5 year plan, pointing out she would like to see it in the central city.

***PARKS AND RECREATION - COMMENTS RECEIVED

Ms. Cates indicated she was real pleased with the credentials of the new Parks and Recreation Director. She pointed out in a recent survey, Parks and Recreation was the category that the Raleigh area scored lowest. She questioned what the City could do to improve this standing. The comments were received.

***COMMENDATION - BROUGHTON GIRLS STATE CHAMPIONSHIP TEAM - TO BE COMMENDED

Ms. Cates asked the City Council's permission to have the Broughton High School Girls State Championship basketball team to come before the City Council for recognition. Without objection, it was agreed to invite the team to the next meeting.

***PARK ACCESS - RAVENWOOD/GROVE AVENUE - REFERRED TO THE REAL ESTATE COMMITTEE

Ms. Block explained for a number of years, we have had a subdivision approval on property where Ravenwood and Grove Avenue come together. She indicated this subdivision separates the rest of the neighborhood from the Park. She indicated she thought that the subdivision or the site plan approval indicated that the developer would dedicate an easement for park access. She stated the last house is about to be constructed which would block access if something is not done, therefore, she would request that this matter be referred to Real Estate Committee to consider possible acquisition of a right-of-way easement to the park. Without objection, the item was so referred.

***RALEIGH HOUSING AUTHORITY - SITING OF 50 UNITS - COUNCIL MEMBERS ASKED TO HELP

Ms. Block indicated she understands the Raleigh Housing Authority has money from HUD for 50 units of housing that they have been unable to locate a site for. She stated she would like for all City Council Members, since the Council is committed to housing, to offer their help in finding some place where these houses could be constructed. The comments were received.

***CABLEVISION PLANS - ACCESS STUDIO - MANAGER TO PROVIDE REPORT

Ms. Block indicated she has received a number of calls about Cablevision's plans for an access studio at the Civic Center. She stated she would like for the Telecommunications Commission to come to the Council or a Work Session to report on exactly what their plans are so that the Council can be familiar with the plans and answer the questions of the citizens. City Manager Benton indicated the Telecommunications Commission has adopted some policy rules which will guide the development and operation of the access studio. He stated it would be in the Civic Center and the drafting of the lease is currently being done by the City Attorney. He indicated under the franchise, ATC is obligated to provide equipment for this studio and the Telecommunications Commission has approved a list of equipment to be utilized in the facility. He indicated the staff has been working on the budget and the design of the studio is in process. Ms. Block indicated the concern she has heard is about the cost of the facility and the sophistication of the equipment which will make it impossible for the average citizen to use this equipment. She indicated some people have suggested the possibility of less sophistication of equipment and she would like to have this referred to a Work Session. After brief discussion, it was agreed that the City Manager would provide a report and information on the access studio and if the Council is not satisfied with that information, then it could be referred to a committee or discussed.

REPORT AND RECOMMENDATION OF THE CITY CLERK

***MINUTES - MARCH 19 AND 21 COUNCIL MEETINGS - MARCH 19 AND 21 ZONING HEARINGS - APPROVED

The City Clerk indicated Council Members received copies of the minutes of the March 19 and March 21 Council Meetings as well as the Zoning Hearings of March 19 and March 21. Mr. Calloway moved the minutes be approved as presented. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TAX REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

The City Clerk indicated Council Members received in their Agenda packet two proposed resolutions relating to tax refunds and/or rebates which are recommended for adoption. Approval is also recommended for the listings as submitted by the Wake County Tax Supervisor for refunds made during January, 1985 for clerical error purposes only. Mr. Walters moved adoption of the resolution and the report as recommended. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 754

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR REFUND	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR
1983	Bridgers, Frank D.	13-2-5093821-83	$ 43.61	Error-Illegal Bill
1984	C&W Investments	01-1-0014052-84	519.81	Error-Illegal Bill
1984	Carolina Dental Lab Inc.	01-1-5004786-84	88.91	Error-Illegal Bill
1984	Consolidated Capital Equity Partner	01-1-5250694-84	78.31	Error-Illegal Bill
1984	Cook, Jerry A.	07-2-0096622-84	53.72	Error-Illegal Bill
1984	Crain, Phyllis W.	01-2-5828992-84	38.94	Error-Illegal Bill
1983	Crain, Phyllis W.	01-2-5828992-83	58.33	Error-Illegal Bill
1982	Crain, Phyllis W.	01-2-5828992-82	50.82	Error-Illegal Bill
1984	Henry, Viola Johnson	01-2-5463662-84	26.53	Error-Illegal Bill
1984	Holliday, Robert L. & Mary	01-2-0057879-84	44.98	Error-Illegal Bill
1984	Jones, Bruce L. & Glenda W.	01-2-0036684-84	39.13	Error-Illegal Bill
1984	Jones, Pecolia Branch	01-2-5467925-84	16.16	Error-Illegal Bill
1984	LCL Systems, Inc.	01-1-5258311-84	703.71	Error-Illegal Bill
1984	LCL Systems, Inc.	01-1-5266939-84	33.57	Error-Illegal Bill
1984	North Raleigh Hilton	13-1-5240121-84	1,216.77	Error-Illegal Bill
1984	Snead, Denise Diane	01-2-5485402-84	10.73	Error-Illegal Bill
1984	Sorrell, Donna Cox	01-2-0015406-84	59.15	Error-Illegal Bill
1984	Watts, Kenneth D.	11-2-5041198-84	45.05	Error-Illegal Bill
1983	Watts, Kenneth D.	11-2-5041198-83	68.31	Error-Illegal Bill
1982	Watts, Kenneth D.	11-2-5041198-82	71.72	Error-Illegal Bill
1984	Williams, Mary Ann Rogers	01-2-5492201-84	22.96	Error-Illegal Bill
1984	Ruth N. Stephenson	01-2-0067562-84	6.98 (Interest Only)	Error-Illegal Bill

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 4/2/85

RESOLUTION NO. (1985) - 755

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1985	Julian Carl Allred, III & Linda B.	01-2-0001600	$ 9,585	Relieved
1985	Marshall B. 7 Jerry C. Cain	01-2-0058501	10,730	Relieved
1985	Timothy B. Carstens	01-2-5274661	2,910	Relieved
1985	Robert Starr & Ann T. Denlinger	13-2-0111473	23,294	Relieved
1985	Rosemary L. Dunford	01-2-5202614	1,570	Relieved
1985	Michael V. & Elaine S. Ghiloni	01-2-0061598	4,836	Relieved
1985	Norma Fisher Gluhareff	01-2-5714317	880	Relieved
1985	Herta S. Goldfinger	01-2-0089948	9,183	Relieved
1985	Sandra & David Harper	01-205266787	5,010	Relieved
1985	Alfred W. & Dora H. Intemann	07-2-0098386	17,841	Relieved
1985	David B. Kamen	07-2-5266775	7,930	Relieved
1985	Ashok K. & Anjana Katyal	07-2-0118685	4,110	Relieved
1985	Irene A. Kelly	01-2-0038756	9,300	Relieved
1985	Ralph R. H. & Frances T. King	01-2-0030310	11,414	Relieved
1985	Roger T. & Toni K. Manus	01-2-0036847	13,098	Relieved
1985	Robert M. & Gladys A. Marshall	01-2-0044205	4,966	Relieved
1985	Maupin Taylor & Ellis	01-1-5019263	175,189	Relieved
1985	H. Carlton & Deborah Newman	07-2-0119179	1,266	Relieved
1985	Paul Calvin Netwon, III	01-2-0064383	4,877	Relieved
1985	Brandy Noon	18-2-5476826	3,200	Relieved
1985	Thomas Pittman Overby	01-2-5158071	6,139	Relieved
1985	Jane Godwin Overby Charles Mattox &	01-2-5158056	3,500	Relieved
1985	Brenda K. Owens	01-2-0029799	13,236	Relieved
1985	Elizabeth B. Parker	01-2-0052943	1,299	Relieved
1985	Carl E. & Anne B. Phillips	01-2-0008726	7,681	Relieved
1985	Rummel, Klepper & Kahl	07-1-5274717	14,915	Relieved
1985	Comp-Tron, Inc.	07-1-5274714	6,860	Relieved
1985	James E. & Melinda C. Samsel	13-2-5274658	12,219	Relieved
1985	Raymond G. Schulte	01-2-5262164	6,030	Relieved
1985	Daniel Louis & Rita B. Stefureac	13-2-0071340	2,746	Relieved
1985	Tammy Anne Summers	01-2-5274649	1,808	Relieved
1985	William H. Swallow	11-2-0090237	4,223	Relieved
1985	Rachel Francis Waldo	13-2-0117656	10,388	Relieved
1985	Ann S. Wall	01-2-5196302	940	Relieved
1985	Rose A. Wilkes	01-2-0076933	8,205	Relieved
1985	Milton A. York	01-2-0080374	1,672	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	AMOUNT
1985	C. Allen Avera DDS PA	$ 67,725
1985	Erich T. Brewer DDS	27,979
1985	J. Lee Sedwitz	1,663
1985	Macon M. Singletary DDS MS	34,386
1985	Durahm Life Insurance Co.	1,401,273
1985	Durham Life Insurance Co.	1,130,656
1985	Durham Life Insurance Co.	761.952
1985	Durham Life Insurance Co.	489,220
1985	Durham Life Insurance Co.	63,783
1985	Theresa J. Gonzalez	10,780
1985	Dewey H. Huffines, Jr.	12,552
1985	Lee Harrt Huffifnes,	3,060
1985	Life Insurance Co., of Georgia	24,435
1985	Herbert & Carla J. Singer	22,691
1985	Donald H. Solomon PA	3,092
1985	Donald Harvey & Maxine I. Solomon	3,450
1985	Jane E. Suspenski	6,320
1985	John B. & Barbara L. Thompson	11,791
1985	Joyce Catherine Wiegand	3,385
1985	William O. White, Jr. & Katherine N.	18,188

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 4/2/85

***ANNEXATION - GREYSTONE VILLAGE EXTENSION AND PINES OF BROOKHAVEN - CITY CLERK DIRECTED TO CHECK SUFFICIENCY AND SCHEDULE HEARING

The City Clerk indicated she had received a petition for the contiguous annexation of approximately 20 acres known as Greystone Villages extension. Another petition for the annexation of approximately 9 acres known as Pines of Brookhaven has been received. Mr. Walters moved that the Clerk be directed to check the sufficiency of the petitions and schedule public hearings if found sufficient. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SALE OF SURPLUS PROPERTY - 1500 BLOCK OF BATTERY DRIVE - RESOLUTION AUTHORIZING SALE ADOPTED

The City Clerk indicated in October, the City Council authorized the sale of approximately 3,240 square feet in the 1500 block of Battery Drive at a minimum bid of $500. She stated the upset bid procedure has been followed and she would recommend adoption of a resolution authorizing the sale of the property to Frank E. and Metoka Trice for $880. Mr. Walters moved adoption of the resolution as recommended. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) - 756

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired surplus property, said property being described more fully as follows:

Approximately 3,240 square feet in the 1,500 block of Battery Drive according to map on file in the City Engineering Department.

WHEREAS, Frank E. and Metoka Trice have offered to purchase said property for $880;

WHEREAS, Chapter 160A-266 et seq. of North Carolina General Statutes to permit the City of Raleigh to sell said property subject to upset bid provisions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City of Raleigh will sell the hereinbefore the described property to Frank E. and Metoka Trice for the sum of $880.

Section 2. That the Mayor be authorized to execute the instrument of convenience.

Adopted: 4/2/85

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 4:00 p.m. to be reconvenned at 7:00 p.m.

Gail G. Smith
City Clerk

ayw/ccd

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, April 2, 1985 at 7:00 p.m. in Room 201, Raleigh Municipal Building 222 with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates - absent and excused
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order indicating Ms. Cates had called and asked to be excused. Without objection, Ms. Cates was excused. The following matters were discussed with action taken as shown.

***THOROUGHFARE CONFLICT - 721 DOROTHEA DRIVE - REFERRED TO THE REAL ESTATE COMMITTEE

Attorney Clyde Holt, representing Richard Harris, owner of the property at 721 Dorothea Drive, was at the meeting indicating his client had been working with various departments to gain approval of a proposal to demolish an existing dwelling at 721 Dorothea Drive and construct a new residential development. He indicated his client had gone to the Raleigh Historic Properties Commission and received a certificate of appropriateness and the building plans were submitted to the City staff and a building permit requested. He stated, however, his client was informed that the request meets all code requirements with the exception of a possible conflict with Western Boulevard extension. He indicated it does not appear to be a right-of-way conflict as no building seems to be in the proposed extension of Western Boulevard, but appears to be more of a backyard conflict. He indicated part of the parking of the proposed residential development would be in the proposed extension of Western Boulevard right-of-way. He stated the right-of-way line has not been defined, therefore, it is hard to determine exactly how much of the property would be involved. Mr. Holt indicated he had questions as to whether the thoroughfare of the proposed Western Boulevard extension had been definitely located and whether Mr. Harris' yard space and building setback lines conflict therewith. He indicated this is on the City of Raleigh's Thoroughfare Plan but would be a State constructed and maintained project, but it is not in their current budget. He stated this puts the City in the position of either letting his client build or having to acquire right-of-way 5 to 10 years in advance of a project being constructed.

City Manager Benton indicated the approximate location of Western Boulevard extension has been considered as a part of the Rocky Branch sewer project, therefore, we have a little more than a corridor map. In response to questioning from Ms. Block, Mr. Holt indicated that Rocky Branch is the southern property line and some of the property is in the flood fringe, but not where the buildings are proposed. Mr. Benton indicated as he understood it, all of the property is needed to meet the density requirement and also the problem of future acquisition could create a non-conformity. Brief discussion took place and Mr. Congleton moved that the thoroughfare conflict at 721 Dorothea Drive be referred to Real Estate Committee. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ASSESSMENT - REQUEST FOR RELIEF - 603 AND 603½ GORMAN STREET - REFERRED TO THE LAW AND FINANCE COMMITTEE

Margaret Rose Murray, representing the Method Civic League, was at the meeting to request relief of assessments against the property at 603 and 603½ Gorman Street. She indicated the purpose of purchasing this land was to construct single family homes for their community. She stated this was an effort that the community has initiated and have purchased this property, but now they are being asked to pay $1,100 dollars in addition to the purchase price. She indicated the deeds show that the City of Raleigh and Wake County, who owned the property, paid no taxes. She questioned why the assessment was added, pointing out they were told when they purchased it that there were no assessments against it. She stated they would like to have an accounting of this transaction and would like to make a request that they be relieved from the assessments. City Manager Benton explained this property was involved in a demolition abatement in 1977 and a lien was placed on the property and interest has accrued on that lien. He stated no taxes are involved and when the Method Civic League purchased the property, the deed included a note that it was subject to any outstanding assessments, etc., against the property. Ms. Murray questioned who ordered the demolition and who did the City expect to pay for it. City Manager Benton indicated the property was in private ownership when the demolition occurred and the lien was not paid, therefore, the City became the owner because the previous owner did not pay the lien. Ms. Murray indicated it was her understanding that their representative was told there was no lien against the property. Mr. Calloway indicated he knew the Method Civic League is trying to upgrade their neighborhood and are very concerned about this. Therefore, he would move that this item be referred to Law and Finance Committee to give everyone an opportunity to look at the problem. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SWIFT CREEK - REQUEST FOR EXTENSION OF RALEIGH'S ETJ - REFERRED TO INTERGOVERNMENTAL COMMITTEE

Louis A. Jones, representing Swift Creek area, was at the meeting pointing out several years ago, they tried to get this area incorporated as a town. He indicated several things have occurred since that time. One relates to the fact that the Falls Water supply is 15 to 20% less than anticipated, the City of Raleigh has determined that the southern lakes will have to be brought back on line for a water supply and the County has adopted the R80W and R40W zoning and adopted a policy that the ETJ would be extended under certain conditions only. He indicated Raleigh is the only municipality in the Swift Creek Basin that has the stringent restrictions relating to protection of the water supply. Mr. Jones presented Council Members with information entitled, "Swift Creek Environmental and Incorporation and Feasibility Study" dated April 1984. He went over information included on Page 20 of that report relating to recommendations on precautionary measures to minimize runoff problems. He went through the information utilizing slides. Dr. Jones indicated on March 25, the Swift Creek Homeowners Association voted 59-2 to request the City of Raleigh to extend its ETJ into the Swift Creek Basin. He presented a map showing the area he is speaking about and showing Cary's current ETJ. He stated if it were possible, they would request the City to extend its ETJ for 5 miles as that would take in most of the Swift Creek Basin.

Ms. Block indicated this area was in our ETJ at one time but was removed. She stated since the residents feel that they would like for the City of Raleigh to protect their watershed and since it would be in the interest of the City of Raleigh to protect our water supply, she feels that this request should be considered. Mr. Congleton questioned if any of the proposed annexation would allow the City of Raleigh to extend its ETJ further in this area and this was discussed briefly. Mr. Jones indicated they feel that the events that have occurred in the past 5 years warrant the City relooking at this area. Ms. Block moved that the request to extend the Raleigh's ETJ into the Swift Creek area be referred to the Intergovernmental Committee. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUNPOINTE CONDOMINIUM PROJECT - SPECIAL PAVEMENT - AUTHORIZED

Dennis Pitts, representing McNeely and Associates, was at the meeting requesting permission to utilize a concrete material mainly for asthetic reasons in their streets in the Sunpointe Condominium Project. He indicated they have presented maps of the area to the Engineering Department outlining the special paving material that they would like to utilize and where they are proposing to use this material. City Manager Benton indicated the staff has looked at this and it is consistent with other type materials that have been approved on private streets. Therefore, the City would have no objections. Mr. Congleton moved the request be authorized. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***RED CROSS VAN - PERMISSION TO UTILIZE LOADING ZONE - APPROVED

Charlie Blocker, representing Wachovia Bank and Trust, had requested permission to to rent cones to reserve spaces in the loading zone on Wilmington Street behind Wachovia Bank for parking the Red Cross van during their blood drive on Tuesday, April 9. City Manager Benton indicated the Council has the authority in the Code to allow such activities when they do not interfere with pedestrian or motor vehicle traffic. He stated although parking in loading spaces are premium in this area, because of the construction activities it is believed that the Bloodmobile can be accommodated for one day and not cause any unreasonable problems for the public or immediate businesses. Mayor Upchurch indicated he feels that this would cause less confusion than all of the construction activities that are occurring in that area now. Mr. Calloway moved that the request be granted. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

***UNSAFE DWELLING - 721 DOROTHEA DRIVE - REPEALER ORDINANCE ADOPTED

Housing Inspections Administrator Bartholomew indicated Ordinance 1985-492 declared property at 721 Dorothea Drive unsafe. He indicated the owner has demolished this dwelling, therefore, the Ordinance should be repealed. Mr. Walters moved adoption of the repealer ordinance. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 533

AN ORDINANCE REPEALING ORDINANCE NO. 1985-492 RELATING TO 721 DOROTHEA DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That Ordinance No. 1985-492 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: 4/2/85

MATTERS SCHEDULED FOR PUBLIC HEARING

***UNSAFE DWELLING - 3224 HOLLY SPRINGS ROAD - HEARING - ORDINANCE ADOPTED

This was a hearing to consider adoption of an ordinance declaring the dwelling at 3224 Holly Springs Road unsafe and directing that it be demolished. The property is in the name of the Joseph A. Smith, Heirs. The Mayor opened the hearing to the public. No one asked to be heard thus the hearing was closed. Mr. Walters moved adopted of an ordinance declaring the dwelling unsafe as recommended. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 534

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 3224 HOLLY SPRINGS ROAD IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Building," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, ARticle D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Joseph A. Smith, Heirs c/o Mark Michael Calloway	3224 Holly Springs Road

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective April 2, 1985.

Adopted: 4/2/85

***UNFIT DWELLING - 3301 HOLLY SPRINGS ROAD - HEARING - ORDINANCE ADOPTED EFFECTIVE MAY 8

This was a hearing to consider adoption of an ordinance finding the dwelling at 3301 Holly Springs Road unfit and directing that it be placarded to prohibit its use and/or occupancy. The property is in the name of Jerry Campbell. The Mayor opened the hearing.

Jerry Campbell, 709 Peyton Street, indicated they plan to do this work; however, they just need a little extra time. He stated about 30 days, he felt, would be sufficient. Mr. Calloway moved adoption of an ordinance declaring the dwelling unfit effective May 8. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 535

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT.

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 10,

Chapter 6, Article H of the Code of the City of Raleigh, North Carolina, entitled "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Director of Inspections or his designee, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Director of Inspections of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
Jerry Campbell	3301 Holly Springs Road

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective May 8, 1985.

Adopted: 4/2/85

***PU-1985-8 - EVERGREEN AVENUE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 850 feet of sanitary sewer main in Evergreen Avenue with assessment on a per lot basis to apply. Public Utilities Director Simmons explained the project. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution directing the project as advertised. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 757

A RESOLUTION TO DIRECT THAT THE SANITARY SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North CArolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

> PU-1985-8 - Installation of approximately 850 feet of 8-inch sanitary sewer main in Evergreen Avenue off Lake Wheeler Road from existing main to dead end.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Per lot basis to apply.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 4/2/85

***SIDEWALK ASSESSMENT ROLL 207 - NORTH HILLS DRIVE - HEARING - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a hearing to consider confirming cost for the installation of sidewalks on both sides of North Hills Drive according to Resolution 1985-727 adopted on February 19, 1985. Chief Engineer Thomas explained the work that had been completed. The Mayor opened the hearing to the public.

Kent Crawford, the resident at the intersection of Shelley Road/ North Hills Drive, indicated he was at the meeting to ask that the assessment against his property be waived. He indicated the sidewalk should have been constructed by the developer who developed the area. He stated no one else in the neighborhood has had to pay for the sidewalk. He stated the road and the sidewalk destroyed his privacy and he does not feel that he should have to pay. He indicated the matter came before the City Council about a year and a half ago, when Mayor York was in office and it was discussed and he was told that he did not have to pay. Brief discussion took place and Mr. Calloway moved that the matter be referred to Public Works Committee. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SIDEWALK ASSESSMENT ROLL 208 AND PAVING ASSESSMENT ROLL 689 - NORTH HILLS DRIVE - HEARING - CONFIRMING RESOLUTION ADOPTED

Sidewalk Assessment Roll 208 was for the installation of sidewalks on both sides of North Hills Drive, outside the City Limits, according to charges outlined in Resolution 1985-727, adopted on February 19, 1985. Paving Assessment Roll 689 confirms the cost for construction of a 53 foot street beginning at the existing curb and gutter in Briarwood North subdivision extending north (North Hills Drive extension). The charges would be as outlined in Resolution 1985-727 adopted on February 19, 1985: Both of these projects are outside the City Limits, therefore the assessment would not be due until the property is annexed into the City. The Mayor opened the hearings. No one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of the confirming resolutions as outlined. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 758

A RESOLUTION CONFIRMING SPECIAL PAVING ASSESSMENT ROLL 689 AND SIDEWALK ASSESSMENT ROLL 208

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the second day of April, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1985-728 and 727 adopted on the 19th day of February, 1985, which assessments appear on "The City of Raleigh Special Paving Assessment Roll 689 and Sidewalk Assessment Roll 208," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of th is resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provide by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statues of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 4/2/85

***ANNEXATION - WESTLAKE VILLAGES - HEARING - ORDINANCE ADOPTED ANNEXING PROPERTY JULY 31

This was a hearing to consider the satellite annexation of property known as Westlake Villages. The hearing is pursuant to petition, advertisement and notification as required by law. Planning Director Chapman explained the area under consideration. The Mayor opened the hearing. Penny Greens, representing Development Associates, indicated this is a satellite annexation at this point, but if the City annexation goes through, it would be a contiguous annexation. She indicated they are requesting that the property be annexed effective July 31. Planning Director Chapman indicated Administration recommends that if the Council so desires, that the property be annexed effective June 30 and that it be assigned to Council District E. Ms. Green indicated the clients are pretty specific in that they would like it annexed effective July 31. Brief discussion took place and Mr. Walters moved adoption of an ordinance annexing the property effective July 31 and adoption of a resolution placing the property in City Council Electoral District E. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. They Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 759

A RESOLUTION TO AUTHORIZE THE INCLUSION OF WESTLAKE VILLAGE IN CITY ELECTORAL DISTRICT E

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1985) 536 adopted April 2, 1985, annex a parcel of land being commonly referred to as Westlake Village; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District E is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Westlake Village as described in Ordinance No. (1985) 536 be added to City Electoral District E.

Adopted: 4/2/85

Effective: 7/31/85

CORRECTED COPY

ORDINANCE NO. (1985) 536

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY NONCONTIGUOUS TO THE CITY LIMITS OF THE CITY OF RALEIGH DESCRIBED AS WESTLAKE VILLAGES

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-58.1, as amended, of the General Statutes of North CArolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on April 2, 1985, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. By virtue of the authority granted by G. S. 160A-58.1, as amended, the following described noncontiguous territory is hereby annexed and made part of the City of Raleigh, as of the 31st day of July, 1985:

Beginning at a point in the northern right-of-way of Leesville road, said point being located N 37-25-38 W, 1370.91' from an existing iron pipe, the southwest corner of Lake Lynn Coves Associates and a common corner with the Synder Hunt Corporation and lying N 4-21-23 E, 53.39' from the centerline intersection of Leesville Road and Craddock Road as shown on a map recorded in Wake Co. Book of Maps 1984, Page 995; thence from said point of beginning and with the northern

right-of-way of Leesville Road N 45-37-21 W 525.14' to the beginning of a curve; thence continuing with the northern right-of-way of Leesville Road along a curve to the right having a radius of 549.69' an arc length of 217.82'; thence N 22-55-08 W 211.25' to a point; thence leaving the right-of-way of Leesville Road in an easterly direction the following courses and distances, S 83-32-58 E 406.92', N 6-42-40 E 560.00', S 88-30-11 E 238.82', S 41-55-15 E 155.00', N 87-54-56 E 160.00', S 47-29-29 E 195.00', S 81-09-11 E 70.00', N 71-54-36 E 139.22', S 68-37-54 E 165.07', S 51-39-56 E 85.00', S 76-02-10 E 155.00', S 58-02-25 E 114.23' to a point, said point being on the 335' contour of Lake Lynn; thence along the 335' contour the following courses and distances, S 20-28-30 E 56.74', S 51-39-56 E 37.52', S 50-01-52 E 73.17', S 33-07-29 E 132.60', S 64-04-53 E 120.71', N 81-01-44 E 50.53', S 78-03-26 E 30.94', S 38-40-12 E 17.45', S 9-13-09 W 70.64', S 17-19-22 E 39.65', S 1-07-17 W 85.77', S 13-51-57 W 76.25', S 21-25-39 W 16.10', S 6-43-40 E 25.00', to a point; thence leaving the 335' contour S 78-30-59 W 205.61' to a point on the 349' contour; thence with the 349' contour the following courses and distances, N 8-00-59 E 26.34', N 23-21-47 E 51.67', N 56-15-34 E 47.90', S 89-03-15 E 41.44', N 45-56-51 E 32.42', N 14-37-29 E 34.28', N 48-41-50 E 31.61', N 12-21-37 W 68.95', N 23-32-00 W 61.89', N 69-26-57 W 69.76', N 48-15-58 W 171.96', N 64-09-40 W 96.96', N 42-58-38 W 35.00, to a point; thence leaving the 349' contour

S 34-28-42 W 144.23' to a point in a curve, said curve having a radius of 45.00'; thence with the curve to the right an arc length of 168.40' to a point, the beginning of a curve to the left having a radius of 25.00'; thence along the arc of the curve, a length of 23.15' to the beginning of a curve with a radius of 581.69'; thence with the new curve to the left on arc length of 297.64' to a point; thence S 74-25-33 W 432.00'; thence with a curve to the right having a radius of 905.20' an arc length of 103.32'; thence S 80-57-55 W 3.68' to a point; thence from said point along a curve to the left with a radius of 25.00'; an arc length of 35.93'; thence along a new curve to the right with a radius of 388.13', an arc length of 142.42'; thence S 19-38-26 W 45.60' to a point, the beginning of a curve to the right with a radius of 289.15'; thence with said curve to the right an arc length of 124.84'; thence S 44-22-39 W 100.00' to the point and place of beginning. Containing 25.33 acres as shown on a map by Surveying Associates, Inc., entitled, Annexation Map for Westlake Village, dated 22 Jan. 1985.

Section 2. The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Subdivision Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers.

Section 3. That the Mayor of the city of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective July 31, 1985.

Adopted: 4/2/85

Effective: 7/31/85

***ANNEXATION - EAGLE CHASE - HEARING - ORDINANCE ADOPTED ANNEXING PROPERTY EFFECTIVE JUNE 30

This was a hearing to consider the satellite annexation of property known as Eagle Chase. The hearing is pursuant to petition, advertisement and notification as required by law. Planning Director Chapman explained the proposed annexation and how it qualifies for annexation. The Mayor opened the hearing to the public. No one asked to be heard thus the hearing was closed. Mr. Calloway moved adoption of an ordinance annexing the property effective June 30, 1985 and a resolution assigning the property to City Council Electoral District C. His motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CORRECTED

ORDINANCE NO. (1985) 537

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY NONCONTIGUOUS TO THE CITY LIMITS DESCRIBED AS EAGLE CHASE

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-58.1, as amended, of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by mete and bounds the territory herein described to be annexed to the City of Raleigh, notifying

residents of the City of Raleigh that a meeting of the CIty Council would be held on April 2, 1985, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and consider at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. By virtue of the authority granted by G. S. 160A-58.1, as amended, the following described noncontiguous territory is hereby annexed and made part of the City of Raleigh, as of the 30th day of June, 1985:

Beginning at a concrete monument in the southern right-of-way of Poole Road (N.C.S.R. 1007), said monument being located approximately 350' west of the intersection of said Poole Road and Hickory Hollow Lane, said monument also being the northeastern corner of the property of M. T. Williford; thence with the southern right-of-way of Poole Road South 44° 39' 14" East 834.34' to a point, said point being a corner with the B. H. Green Property; thence with said property South 84° 15' 31" West 63.07' to an iron pipe; thence South 00° 46' 07" West 523.35' to an iron; thence continuing with the B. H. Green and Louise W. Patrick western line South 00° 45' 20" West 1182.01'; thence South 00° 58' 34" West 1414.88' to a point in the northeastern easement line of the CP&L transmission line; thence with said easement line North 33° 48' 38" West 1821.87' to a point; thence South 64° 17' 14" WEst 228.85' to a point; thence South 44° 38' 49" West 340.11' to a point; thence North 45° 21' 11" WEst 196.02' to a point; thence North 01° 06' 47" East 1440' to a concrete monument in the southern line of B. A. Antone, said monument also being the NOrtheast corner of the A. C. Dupree Property; thence with Antone's southern line and M. T. Williford's southern line South 84° 45' 05" East 981.60' to a concrete monument; thence with M. T. Williford's east line North 06° 15' 27" East 1065.12' to the Point of Beginning, containing 74.8858 acres according to plat prepared by Bass, Nixon & Kennedy, Inc., entitled "Property of Ammons-Brown, Inc.", dated 1-5-85 and recorded in Book of Maps 1985, page 72, Wake County Registry.

Section 2. The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Subdivision Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1985.

Adopted: 4/2/85

Effective: 6/30/85

RESOLUTION NO. (1985) 760

A RESOLUTION TO AUTHORIZE THE INCLUSION OF EAGLE CHASE IN CITY ELECTORAL DISTRICT C

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1985) 537 adopted April 2, 1985, annex a parcel of land being commonly referred to as Eagle Chase; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District C is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Eagle Chase as described in Ordinance No. (1985) 537 be added to City Electoral District C.

Adopted: 4/2/85

Effective: 6/30/85

***COMMUNITY DEVELOPMENT - HEARING TO CONSIDER PROGRAM FOR PERIOD JULY 1, 1985 THROUGH JUNE 20, 1986 - COMMENTS RECEIVED; ADMINISTRATION TO PROVIDE INFORMATION ON TOTAL CD FUNDS

Community Development Director Prosser explained the purpose of the hearing is to receive citizens' views and comments concerning planning the Community Development activities for the period July 1, 1985 through June 20, 1986. He indicated we now know that we will be receiving $1,724,000 and added to this, we are anticipating program income of $365,000 thus a total budget would be $2,089,000. Mr. Prosser indicated the same type activities that have been carried on in the past are proposed for upcoming year. He went over the budget in detail. He indicated this budget assumed that the acquisition and demolition will be handled by the Community Development Department in the upcoming year, pointing out presently these activities are carried on by the Housing Authority. He explained the targeted areas, pointing out the effort will be continued. The Mayor opened the hearing to the public.

Eric Sifford, 608 Carolina Pines Avenue, was at the meeting representing DHIC. He indicated he is at the meeting to ask that a program that was created by Lawrence Wray - Homeownership Lot Subsidy Program, be reinstated. He indicated they were able to use this program to attract ten owners to this area. He stated the program was discontinued several months ago when some of the guidelines were questioned by HUD. He stated, however, all of these problems have been worked out. He stated the source of funds for this program would be program income. He indicated he is asking the City to help DHIC in forming the new corporation so that they could get these funds and pass them onto the homeowner.

Thomas Conway, 208 Bladen Street, indicated, personally, he supported Mr. Sifford's request. He stated he was at the meeting representing the South Central CAC. He indicated they are questioning if the money spent in the Downtown Development East area will trigger the relocation activities and payments for the persons involved. He stated they also had questions as to how the program, as structured, would affect completion of other areas such as South Park. Mr. Prosser indicated at this point, how the Downtown East money would be spent is unspecified and the City Council would have to address that. He stated this program is basically a continuation of last year's program and the priorities have been set. Mr. Conway indicated they supported the NCNB proposal but they just want to make sure that the uniform relocation criteria will come into play.

Mary Jo Littlewood, representing Home Health Care, indicated they have been funded since 1975. She stated presently, they are serving 23 people in the area and gave some statistics on age, income, health, etc. She stated they are requesting $35,119 in the upcoming year.

Ralph Campbell, Jr., 2108 Atkins Drive, indicated they are concerned about the CD budget. He indicated everyone realizes that budgets are prepared according to projected revenues, but pointed out the last budget they saw had quite a bit more money than this proposal. Community Development Director Prosser explained how the Community Development budget is put together and this is a one year budget, but there are other programs that come into play, such as the Rental Rehab, 312 Loans, etc. Mr. Campbell indicated they would just like to see all of the funds that are involved. Ms. Babb indicated she felt it would be a good idea to have a paper put together that shows so everyone can get a clear idea of what is coming in and where the money is going. City Manager Benton that would be made available as soon as possible.

No one else asked to be heard, therefore the hearing was closed.

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 8:15 p.m.

Gail G. Smith
City Clerk

ayw/ccn